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# ROMAN WORLD PHILOSOPHY

## The Unity of Empire, Religion, and Law in the Conception of a System of the World

By

ELWYN DONALD WILSEY

L. C.

Submitted in Partial Fulfillment of the Requirements
for the Degree of Doctor of Philosophy,
in the Faculty of Philosophy,
Columbia University

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# I

# INTRODUCTION

Roman philosophy is usually considered in the histories of philosophy as a development or modification of Greek and Hellenistic schools of thought. The influence of these schools on the minds of cultivated Romans is beyond question and has received ample exposition by historians. It is not my purpose to review this exposition. I purpose rather to supplement what has already been done, by bringing together from various sources the principal data regarding the physical expansion of Rome, the expansion of its religion, and the expansion of its law, to show how there developed by the time of Augustus, in the minds of reflective Romans like Cicero and others, the conception of a philosophy which viewed the world as essentially a community of gods and men, subject to one rule, one religion, and one law. This I regard as Rome's great intellectual achievement.

It is idle to speculate whether Roman writers would have developed a philosophy of this sort without the influence of Greek culture in the Roman world. The influence is factual. But it found a soil in which to grow. Roman philosophy was more than what might be called philosophy for its own sake, more than an interest in problems arising in connection with the assimilation of a foreign culture. It was Roman. And that means, in view of Greek culture, that it was a selection from that culture of ideas which were congenial to Roman reflection. This Greek and Hellenistic influence should be regarded as a selection from various sources of ideas available to the Romans. The natural basis of this selection of ideas is the growth of Rome itself into a world empire. What ideas they selected contained the seed of a world-philosophy and this seed grew in the soil of Rome's actual expansion from a little city into a world empire. The Romans did not look at Rome in terms of Greek ideas but at Greek ideas in terms of Rome. The selection of ideas, it may be said, had a natural, a national, a Roman basis. It is this I propose to exhibit.

It is my purpose to set forth from an examination of work already done by historians, the expansion of Rome in these three particulars, the physical, the legal, and the religious, and to present the comments made upon it by such Romans as Caesar, Cicero,

Livy, Vergil, and others, in order to show that the world philosophy had a natural basis in Roman expansion. It is necessary, as I attempt to show the development of this conception in the Roman mind, to dwell at some length upon familiar facts concerning the expansion of the physical state, religion, and law, as factors contributing to the growth of this universal conception in the minds of Rome's reflective men. I have found it desirable to give a picture of Rome's early community life, the choice of a site for a permanent abode, and the probable early contacts of the Romans with other tribes of western Italy. A review of the aims and purposes of Rome's expansion, the nature of her alliances, the method of colonization, the extension of rights of Roman citizenship and the protection of Roman law to new subjects, the process of expansion and assimilation, of conquest and consolidation, etc. will serve to show how Rome and the civilized world came to be looked upon as one and how thought was centralized upon Rome as a world state.

A study of Roman religion will reveal a movement of religion as something purely local and particular to something universal, a sense of one religion of which the many existing religions are merely various forms of expression. In this matter it will be necessary to give some idea of what religion meant to the early Roman agricultural household and how, as many of the family religious practices were made part of the state religion and as new deities were sought to sanctify new interests, an austere civic religion was established. But the introduction of commercial gods and numerous foreign non-political cults led to the undermining and the ultimate collapse of the old civic religion. There followed an attempt, under control of a political priestcraft, to reëstablish the old religion, as the writings of Varro, Scaevola, and Cicero testify. A disillusionment about all gods and the utter collapse of the civic religion was followed by an attempt at imperial control and regulation. The result was emperor-worship, which was developed intellectually by Vergil into an ideal patriotism. Finally, the idea was transferred to an idealized cosmopolis transcending earthly power and politics.

A survey of the materials at hand will lead to the conclusion that law moved from something for a group in the early state toward something universal in the world empire. From the "patria potestas" of the agricultural family we shall go on to consider customary law and how it gave way to written law. The

growth of a body of law continued as laws were enacted by legislation and edicts. Finally, when law was codified, a complete legal system was established. Enacted law and codified law represent a thorough secularization of law. As it became necessary to deal with a very great variety of subjects in Rome's expanding empire and as the law had to be modified and adapted to become applicable to men of all nations, the administration of law widened the scope of its application to the idea of a world law. As law became universal in application it was connected, in the idealized cosmopolis, with the "law of nature." Humanity as such was thought to be under the law of the "Mundus."

Polybius, writing soon after Rome's struggle with Hannibal had this to say of Rome, in the opening chapter of the first book of the *Histories,* "Now up to this time the world's history had been, so to speak, a series of disconnected transactions, as widely separated in their origin and results as in their localities. But from this time forth History becomes a connected whole: the affairs of Italy and Libya are involved with those of Asia and Greece, and the tendency of all is to unity. This is why I have fixed upon this era as the starting point of my work. For it was their victory over the Carthaginians in this war, and their conviction that thereby the most difficult and most essential step towards universal empire had been taken, which encouraged the Romans for the first time to stretch out their hands upon the rest, and to cross with an army into Greece and Asia."[1] Such was the impression made upon the mind of a contemporary Greek observer. It is natural to suppose that a somewhat similar impression may have been made on the minds of Romans themselves when they contemplated the expansion of their empire. We may paraphrase the words of the Greek and say that the steps towards universal empire encouraged the Romans to employ what they could learn from Greek and Hellenistic schools of thought, for the construction of a philosophical idealization of their conquest. The comments of Roman writers represent the intellectual and emotional response to expansion. Rome became something exalted and idealized in their minds. These comments demonstrate what Rome had become in the imagination of those Romans who, during and at the consummation of the empire, reflected upon the achievement and tried to estimate it. The consciousness of a great achievement and the very grandeur of Rome itself led to the glorification and idealiza-

[1] Shuckburgh, *The Histories of Polybius,* I, 3.

tion of the empire. Rome's soldiers, historians, politicians, poets, and philosophers all pushed the conception of Rome to the idea of a universal empire of gods and men, an idealized world-state.

In considering the development of this Roman world-state philosophy, it has been necessary to make a fresh study of the principal Roman writers who deal with the state life, its religion, and its law. After consulting these writings, I find myself making certain definite observations about the world empire, for as I have read, particular factors have become more clearly outstanding in my mind as contributing to the growth of the world-state philosophy. I find Ennius, for example, writing for the rulers of Italy but Vergil and Horace writing as if they were conscious of the audience of the whole human race. Caesar was engaged in struggles that were waged within a national horizon, but Cicero looks out upon the world with a wider vision and beholds all the nations of the earth taken together as forming one state, a single association of gods and men. Vergil sounds still a different note in his epic of Rome, as he conceives for Rome a stewardship of the world, a Roman mission to mankind. Writers like Seneca and Marcus Aurelius, much later than the time of Augustus, look upon the world as a divine order of things, in which the past history of Rome can be but a passing moment in the eternity of time, and man only one incident in the whole system of things. This conception of the universe as a community of gods and men grew up in the Roman mind as Roman arms proceeded to make Rome mistress of the civilized world.

It is to be clearly noted that this world conception was an idealization in consequence of Roman achievement, an idealization of what Rome actually accomplished, an idealization influenced by Greek thought but which found its motivation in Roman expansion itself. The Roman empire was not the consequence of an ideal. The idealization however was an imaginative interpretation of the expansion of Rome and was often used by many Roman writers, Caesar or Cicero for example, to explain, to excuse, and to justify Roman performances. The philosophy which they built up thus around their own achievement became a Roman philosophy and an ideal system which the Romans would like to make themselves and others believe the growth of their empire illustrated. Roman philosophy is not to be considered, historically, simply as an intellectual development of Greek and Hellenistic ideas but as such a development in view of Rome's factual expansion, in which it found a natural soil to grow.

## II

## FROM AGRICULTURE TO PATRIOTISM

*Passage from Pastoral to Agricultural Life.*—The history of the Roman people begins for us at a time when they had already passed from a pastoral to an agricultural life. This change evidently represented a general tendency of the Italian tribes, at the time, to settle down upon the land, to occupy the hilltops, to fortify them as strongholds, and to cultivate the valleys round about. But probably, in many sections of Italy, the pastoral life was still the only kind of life known to numerous groups of people, who roamed with their flocks among the hills, often as bands of brigands, and preyed upon those other groups who had built for themselves fixed habitations. The choice of a location for a permanent settlement, consequently, was a matter of considerable importance.

*The Early Settlements.*—The Romans, giving this one Latin tribe the name which history has assigned it, chose not one eminence but a cluster of rather low hills among which the Tiber River found its way to the sea. These igneous formations, rising scarcely more than one hundred and fifty feet above the level of the river, were presumably elevated from the sea by volcanic activity. Marine substances even now imbedded on these hillsides give evidence that these eminences were once below the level of the sea. Also there are traces of fluviatile deposits on the sides of these hills which indicate that at some earlier period there was within the circuit formed by these hills a deep lake instead of the narrow channel that now winds its way to the sea. It is presumed that, since that very distant era, the general level of that whole region has been much disturbed and that this enclosed lake was at length discharged by some internal convulsion and the Tiber has since alone remained. Now if we face the mouth of the river, the greater part of the ancient city is on the left bank. The hills on this side form a large segment of a circle, rising gradually from the plains beyond but falling more abruptly into the bed of the river. On the right they extend more irregularly along the bank and rise to a higher elevation. In the center of the segment of enclosing hills on the left side stands one hill independent of the rest, which came later to be known as the Palatine. It has a level

summit but steep sides. It is removed about four hundred yards from the river and is almost hidden from it by the ends of the encircling wall of the other hills. It was still more hidden from the river by the dense vegetation which covered the valleys on all sides, and the hill itself could hardly be detected at all from beyond the limits of the circumvallation of the others. Furthermore, the Tiber carrying its rapid volume of waters between these natural barriers could only with great difficulty be stemmed by ships and it thus acted as an additional barrier to a foreign foe. Only by special Providence was the ship of Aeneas permitted to withstand the tide of the Tiber. Such a site as this, so near the sea and yet so well protected from an enemy fleet, so well hidden itself and so well concealed, was a most desirable spot for the permanent settlement of the roving bands of Italy. The one central hill, the Palatine, became the first nucleus of the Roman empire.

The position of the seven hills was itself very suitable for a permanent settlement in respect to the surrounding country also. The site was in a central position in Italy, as the peninsula of Italy was central among the other peninsulas of the Mediterranean. And we must keep in mind that the climate of Italy was favorable for the growth of a mighty nation, its air on the whole healthful and its land fertile and fruitful. Mommsen says:[1] "The Italian peninsula resembles the Grecian in temperate climate and wholesome air that prevail on the hills of moderate height, and on the whole in the valleys and plains. . . . Italy on the other hand excels its neighbor in the rich alluvial plains and the fertile and grassy mountain slopes, which are requisite for agriculture and the rearing of cattle. Like Greece, it is a noble land which calls forth and rewards the energies of man, opening up alike for restless adventure the way to distant lands and for quiet modes of peaceful gains at home." The Roman Campagna in the primitive ages was densely covered with the oak, the ilex, and other trees of the forest. The clearance of the forests, in the territory about Rome, was the work of ages and was a continual process from the era of the kings, as the inhabitants persisted in their attempts at husbandry. The character of the soil itself about Rome was neither so fertile and fruitful as in other localities nor did it supply sufficient springs for a good supply of water. Concerning the immediate environs of Rome, Mommsen says:[2] "Another disad-

[1] Mommsen, *The History of Rome,* I, chapt. I, pages 6–7.

[2] Mommsen, Vol. I, chapt. IV, page 57.

vantage arises from the frequency with which the river overflows its banks. Its very slight fall renders it unable to carry off the water, which during the rainy season descends in large quantities from the mountains, with sufficient rapidity to the sea, and in consequence it floods the low-lying lands and the valleys that open between the hills, and converts them into swamps. For a settler the locality was anything but attractive. In antiquity itself, an opinion was expressed that the first body of immigrant cultivators could scarce have spontaneously resorted in search of a suitable settlement to that unhealthful and unfruitful spot in a region otherwise so highly favored, and that it must have been a necessity, or rather some special motive, which led to the establishment of a city there." Thus it appears that the region of the seven hills selected by the early Romans was a refuge, which made for them a stronghold to which they might retreat and in which they could dwell in security from their enemies, rather than the most desirable spot from the agricultural point of view. It is perhaps not too much to say that necessity dictated to the early Romans their choice of a desirable location for their settlement, while choice alone might have led them to a more fruitful and healthful spot. We may also say that the advantage of Rome's position was strategic and geographic rather than economic and social, for we shall see that in her relation to other tribes, in these latter respects, the location was not ideal, nor as desirable as others might have been. But the strategic value of her position and the value of her position so near the sea and yet so well protected outweighed other disadvantages. It was indeed well suited to the purposes which it ultimately served and, most of all, exceedingly well adapted for the expansion of a great city as the seat and center of a great empire. Livy summarizes for us the favorable position of Rome in the words used by Camillus as he was urging the Romans not to desert their city for Veii.[3] " Not without cause did gods and men select this place for establishing our city—with its healthful hills, its convenient river, by which crops may be floated down from the midland regions and foreign commodities brought up; its sea, near enough for use, yet not exposing us, by too great propinquity, to peril from foreign fleets, a situation in the heart of Italy—a spot, in short, of a nature uniquely adapted for the expansion of a city."

It is supposed that the district of the Campagna extending from the Apennines to the Mediterranean and from Mount Soracte to

[3] Livy, Vol. V, LIV, 4.

the promontory of Circeii was at an earlier period beneath a long curving gulf of the sea and that likewise the low lands from Circeii to Surrentum were covered by waters that once bathed the foothills of the Apennines. These level plains were the field of the first Roman conquests. The Apennines themselves represent a much earlier upheaval of the earth's crust and were the next zone of conquest. But outside Italy another and much earlier upheaval cast up the walls encircling the Mediterranean. The Alps and the Atlas and the mountains of Spain and Palestine form one great system which hold in the inland waters so well serving as a means of communication between these so different and widely extended regions. The Romans were to blend together into one vast empire by their laws, language, and institutions the great populations of these immense regions and those beyond also in Gaul, Britain, Germany, Greece, Illyria, etc.

We may note also in passing that the great mountain barriers of the Alps on the north of Italy were more easily climbed from their northern sides and that this encouraged frequent invasions of this attractive land of Italy. The back of the peninsula with its harborless coast on the Adriatic is turned upon the East, and Eastern influences hence came slowly into Italy, and then through the Greek colonies of the south and west. The early expansion began on the plains between the Apennines and the Tuscan Sea.

In the beginning, there were occupants of almost every one of the other hills, all with conflicting claims. The Tarpeian hill was, according to legend, the site of a town called Saturnia. The Janiculus was the site of another settlement. The Quirinal was occupied by the Sabines, whose district reached northeastward to the Apennines. The Latins had a meeting place on the Aventine. Early legends tell of a Latin tribe seizing the Palatine from a colony of Arcadians from Greece, who had doubtless also recognized its strategic value. But while the Palatine was a retreat, a confined and secluded eminence, it afforded too little means of sustenance and the Romans were compelled by necessity to fight with their neighbors for their living. But they also sought alliances and peaceful relations with their neighbors and from time to time they assimilated one of the hill communities about them until all seven were united within a single community. This infant city was itself exposed in turn to dangerous tribes without, on every side, for Rome was situated at the point where three rival tribes met. The Tiber River separated the land of the Etruscans from that

of the Sabines and of the Latins on the south. The Anio, only a few miles from Rome, divided the territory of the Latins from that of the Sabines.

*From Myth to History.*—The first myths of early Rome are connected with the change from the pastoral to the agricultural life. Saturnus, the most ancient of Italian divinities, was the god of sowing. He represented the change from the habits of the shepherd and hunter to those of settled habitation. He was the inventor of agriculture and horticulture. His consort was Ops, who represented wealth. Saturnus is often pictured with a scythe, which is more properly the pruning hook than the symbol of the god of Time, the destroyer. The age of Saturn was spoken of as the age of gold, an age of innocence and simplicity, of honesty and labor attendant upon the work of the fields. The gods derived from Saturn were also connected with husbandry. Janus, who was supposed to have come early in life to Italy and founded a city on the Tiber by the name of Janiculum, was instructed in the use of the pruning hook by Saturn. The pruning hook was also the symbol of Vertumnus, who stood for the change of the season from winter to spring. Faunus, the son of Saturn, was connected with manuring. The people of Italy seem to have been conscious of the benefits of the change to the cultivation of their land, as the advent of the age was so celebrated throughout Italy as the Golden Age. Italy was called the "Saturnia Tellus," the land of Saturn, and the first settlement on the Capitoline was called Saturnia.

From these early divinities we can get a glimpse of what kind of life the early Romans led. It is evident that the early community was made up of a group of agricultural households, each chiefly interested in its own physical existence and material welfare. They were content, as a quiet peace-loving people, to devote themselves solely to their own pursuits and the labors attendant upon an agricultural life. Mommsen says of their early life:[4] "In the national economy, agriculture was and continued to be, the social and political basis, both of the Roman community and of the new Italian state. The common assembly and the army consisted of Roman farmers; what as soldiers they had acquired by the sword, they secured as colonists by the plough." They resided within the shelter of their city walls but more and more had to cultivate the fertile valleys and plains about them. Vergil

[4] Mommsen, Vol. II, page 76.

struck a popular note and a characteristic trend of Roman temper in his picture of the peaceful rural life given in the *Georgics*. The whole work is a glorification of agriculture, prompted as it was by his own deep love for the country life and by his sympathy for everything that goes on with the farmer. Vergil says in part:[5]

> —" The husbandman upturns the glebe
> With well-curved share, inaugurating so
> The whole year's fruitful toil, by which he feeds
> His native land, his children's children too,
> His flocks and herds, and cattle worth his care.
> Ever the flocks flow on: the liberal year
> Teems with good apples, with flocks increase,
> And sheaves of tasselled corn; the furrowed fields
> Bestow in bursting barns their goodly store.
> When winter comes at last, the olive mills
> Receive the sacred fruit, the roving swine
> Bring home full paunch of acorns, greenwood trees
> Drip nut and berry, many autumn fruits
> Still linger, and on sun-kissed, rocky slopes
> Some sweetened clusters hang. The livelong year
> His gathered children to his kisses cling."

After reading through the *Georgics,* one gets the impression that the Romans were deeply attached to their land. They began to develop this land-consciousness from their very early days. Saturn and Janus were supposed to have exercised this civilizing influence over the inhabitants of Italy and to have greatly blessed them with peace and prosperity.[6] " First from heavenly Olympus came Saturn, fleeing from the weapons of Jove and exiled from his lost realm. He gathered over mountain heights and gave them laws, and chose that the land be called Latium, since in these borders he had found a safe hiding-place. Under his reign were the golden ages men tell of; in such perfect peace he ruled the nations."

But since these confined and secluded hills did not afford the early Romans enough fruits for their daily living, they had to fight for it with their neighbors. It is also to be remembered that they were surrounded by hostile tribes and bands of brigands, who tried to prey upon them. Consequently, for these two reasons, to obtain their daily bread and to defend themselves and their possessions, the Romans were compelled to take up arms, and thus by necessity rather than by choice did they learn militarism and

[5] Vergil, *Georgics,* II, 458ff., Prescott, page 135.
[6] Vergil, *Aeneid,* VIII, 319ff.

tactics. They were forced to cultivate military skill for the sake of their own *existence* and *security*. But unless driven to arms by imminent danger, the early community was content to dwell in the quiet seclusion of the protecting hills and to till the land in order to derive a peaceful existence. The early Romans were not a plundering tribe, interested in exacting their daily living from neighboring tribes, but rather were interested in producing and protecting their own. When danger threatened, they left the cultivation of their fields only to return to their work when the crisis had passed. A famous example is that of Cincinnatus, who at a moment of national peril was summoned from his work in his field to become dictator. He left his plow to take up his commision and compelled the enemy to a hopeless engagement and complete surrender, after which he laid down his military duties and returned from his triumph to the work of his field. Vergil portrays for us the thought that the Romans were by nature a peace-loving people but that they had been forced many times to undertake wars against their will.[7] "Gods of my country, Heroes of the land, thou Romulus, and thou Vesta, our mother, that guardest Tuscan Tiber and the Palatine of Rome, at least stay not this young prince from aiding a world uptorn! Enough has our life-blood long atoned for Laomedon's perjury at Troy; enough have Heaven's courts long grudged thee, O Caesar, to us, murmuring that thou payest heed to earthly triumph! For thee are right and wrong inverted; so many wars overrun the world, so many are the shapes of sin; *the plough meets not its honor due;* our lands, robbed of the tillers, lie waste, and the crooked pruning hooks are forged into stiff swords. Here Euphrates, there Germany, awakes war; neighbour cities break the leagues that bound them and draw the sword; throughout the world rages the god of unholy strife; even as when from the barriers the chariots stream forth, round after round they speed, and the driver tugging vainly at the reins, is borne along, and the car heeds not the curb!"

Among the legendary tales connected with the founding of Rome is that of Cacus, the fabulous shepherd who was the terror of the country around. He dwelt in a cave beneath the Aventine hill. The flames which this monster breathed forth probably represented the sulphureous gases derived from the volcanic origin of the hill. The original character of Cacus, according to the Roman poets, was a personification of some evil demon and he is

[7] Vergil, *Georgics,* I, 498–514.

so described by Livy,[8] Ovid,[9] Vergil,[10] Propertius,[11] and others. We are interested in his story because it has in it the element of the supernatural which the Romans seem to have associated with the founding of the city.

Cacus was slain by Hercules [12] and for this great deed Hercules was rewarded by Evander, who ruled that region then, by the dedication of a sanctuary and the appointment of priests for him. Evander is associated with the founding of Rome by his supposed founding of a city on the very central part of the site of Rome, several centuries before the supposed founding by Romulus. The time was about sixty years before the Trojan war. He is said to have led a colony of Pelasgians from Arcadia into Italy. Vergil represents Evander as still alive when Aeneas arrived in Italy.[13] Thus the site of Rome, originally the seat of mysterious supernatural powers, was believed to be occupied definitely from sixty years before the Trojan war, for with the arrival of Aeneas in Italy the story of Rome, or people allied with the Romans, is continuous to Romulus, the first king, and from that time on. But after the story of Evander, the next in order is Aeneas.

Vergil made the story of Aeneas the greatest historic legend of Rome. After many trials and distant wanderings Aeneas with his fellow Trojans landed on the coast of Latium and after he conquered his adversaries there, he allied himself by marriage to the royal house of the Laurentes. The descendants of Aeneas held sway for 300 years on the Alban Mount until at last a dissension arose between the royal brothers, Numitor and Amulius. Rhea Sylvia, the daughter of the dispossessed prince Numitor, brought forth twins whom their uncle exposed to die. These twins, Romulus and Remus, were nourished by a she-wolf until rescued by the shepherd of the royal flock. After the discovery of their birth by Numitor, their grandfather, the two youths attacked and slew the tyrant Amulius. They were then assigned by Numitor the land from the Tiber to the sixth mile on the road to Alba. By decision of augury, Romulus was acclaimed king, who thereupon marked out the city by a furrow and built the city walls. Remus was slain by his brother for leaping in derision over the

[8] Livy, I, 7.
[9] Ovid, *Fasti,* I, 554.
[10] Vergil, *Aeneid,* VIII, 190.
[11] Propertius, IV, 9.
[12] Livy, I, 7.
[13] Vergil, *Aeneid,* VIII, 51–54.

half-built walls. The words of Romulus, " So perish all who dare to climb these ramparts," were taken as a good omen, and the death of Remus was forgotten. Romulus gathered around him people of unknown and diverse origin, making his city a place of refuge for all the discontented and lawless in the region. The city on the Tiber had also been a haven of refuge to Aeneas and his followers, and we may attach this quality to the ancient city as an essential characteristic of it, in its early days. According to the myth that the line of Aeneas was directly descended through the blood of the Latin kings down through the long supposed interval of 300 years to Romulus, it follows that the city began and remained as a place of refuge, secured as it was by its strong position as well as by divine protection. After a prosperous reign of thirty-seven years Romulus was mysteriously removed from the world. It was believed that he was taken up to heaven in a chariot by Mars, and he was thereafter deified.

After the reign of Romulus, who is called the first king of Rome, there reigned Numa Pompelius, a Sabine, Tullus Hostilius, a Roman, and Ancus Martius, another Sabine, all of whom seem to have enjoyed prosperous reigns and to have established many good laws and made many improvements in the infant city. But in the course of the reign of these first four kings, the legendary story of Rome's beginning advanced somewhat. Romulus was the son of a god, Mars, and Rhea Sylvia, and he was deified after death. Numa was supposed to have some divine influence, but Tullus and Ancus descended to the rank of mortals. The three other kings, for there were only seven kings, develop the lengendary story to a point where we have some assurance of history.

These three later kings were Tarquinius Prescus, Servius Tullius, and Tarquinius Superbus. With these there grew up the tendency to tyranny until it became so great that the last, Tarquin the Proud, was banished by force. He was aided in his attempt to regain his lost throne by Porsena, king of Clusium, but was baffled by the heroic Horatius at the bridge. From varying streams of tradition, we have it that he was at last defeated and put to final rout at the battle of lake Regillus near Alba. It was here that the two divine youths were seen turning the enemy to flight. The mysterious warriors were Castor and Pollux, who vanished after the battle as mysteriously as they had come. Until the banishment of the kings the story of Rome is a series of poetical legends, but beginning with the first consuls we have a more satisfactory historic basis of the narrative.

From these poetic legends of the founding of the city, especially those of Aeneas and Romulus, we are able to make a few observations about how the Romans looked upon the origin of their city and what sort it was, as it emerged as an historical city. The legends of Cacus and Hercules tell us that they looked upon the site itself as if in some way mysteriously connected with the supernatural. The connection of Evander to the site of Rome gave it added prestige and connected its history with the more remote past. The legend of Aeneas as founder of Rome itself carried back the history of the Roman people to a very dim and distant past. Through Aeneas their beginning was divinely arranged and destined to a great future. Aeneas himself was of divine origin, for his own mother was reputed to be Venus. Another sentiment connected with early Rome was that the city was the safe retreat for all her people, a place of refuge where all were secure. Aeneas had come to Italy seeking a haven of refuge and had found it. It is apparent that, until the time of Romulus, the settlements of Italy, at least on the Tiber, were strongholds for refuge and the Rome of Romulus was also built for this purpose.

Livy gives us the idea that Rome was of sacred and supernatural origin and that Rome was predestined to permanence and glory as a seat of empire. He makes this clear when he puts into the mouth of Camillus, who was urging the Romans not to desert their city for Veii, these words, " Here is the capitol, where men were told, when of old they discovered there a human head, that in that place should be the head of the world and the seat of empire; here, when the capitol was being cleared with augural rites, Juventas and Terminus, to the vast joy of your fathers, refused to be removed; here are Vesta's fires, here are all the gods propitious, if you remain." [14]

*From the First Consuls to Augustus.*—The first advance that the Romans made was not by a great military victory but by a peaceful alliance with the Latin communities in the Campagna, with whom they were led to unite by common ties of language, religion, and form of government, but most of all, by common enemies. The treaty with the Latins was primarily for defense. The Latin league was soon strengthened by the addition of another ally, the Hernici. Both of those alliances were of great importance to the Romans. The towns of the Latins lay between Rome and the territory of the Aequians and the Volscians. The Latin allies

[14] Livy, V, Liv, 4.

thus had the task of defending the plains from the foraging mountaineers, while Rome rested behind in comparative safety. The Hernici were situated between the Aequians and the Volscians, their position thus preventing a union of Rome's enemies. The single city on the Tiber was making itself the leader among the neighboring towns of Latium. When the Romans drove out Tarquin the Proud, they incurred the sullen hostility of the Etruscans, who failed in their attempts to restore their prince at Rome. The Etruscans continuously harassed the borders of Roman territory. With these dangerous enemies Rome fought for her life, as she was involved, at the same time, with the cities of southern Etruria in a series of wars which continued at intervals for a century. With the aid of her allies, Rome finally, under the leadership of Camillus, brought an end to these struggles by capturing Fidenae and Veii, the Etruscan strongholds, in 396 B.C. As a result of these struggles, Rome acquired the mastery of Italy as far as the Ciminian forest and along the Tiber as far as Capena and Falerii. The towns Sutrium and Nepete became allies and served as garrisons on the frontier. Rome emerged from these struggles with the Etruscans, as a stronger power and more secure.

But other enemies presented themselves. The Volscians on the south continuously raided the lands along the coast, and the forays of the Aequians on the east brought them frequently to the very gates of the city. The power of these tribes was broken finally in 425 B.C. Later Rome established colonies at Satricum, Setia, Antium, and Tarracina. These colonies acted as outposts. The territory of the Aequians was annexed in 304 B.C. and Rome also pushed her way against the Volscians as far south as Tarracina. Rome's success may be traced partly to the fact that the Aequians and the Volscians were being weakened by fierce enemies beyond. Thus weakened, they were more willing or more easily forced to accept the sovereignty of Rome. The territory that was added as a result of these defensive wars was used as a barrier between Rome and external foes beyond. Security rather than the land itself was the object sought.

Almost immediately after the ten year siege of Veii, another danger threatened Rome. The Gauls were invading Italy. They swarmed over the Alps into the fertile valley of the Po and, as they moved southward, they conquered the Etruscans and took possession of their land. The Gauls moved in large numbers, seeking gold, cattle, and slaves, not lands to cultivate. They

threatened to crush Rome and the Latin league completely. The Roman army sent against the Gauls was almost annihilated, and with the exception of the Capitoline, Rome fell into the hands of the Gauls, was sacked and burned in about 390 B.C. This was a dark hour for Rome, but under the leadership of Camillus, Rome was again saved. The Gauls were in the vicinity of Rome for fifty years, but finally they were forced to withdraw to the Po valley, partly by the strength of the Romans, partly by uprisings against them in the north. But these invaders of Italy were a dreaded foe for nearly 300 years after the destruction of Rome in 390 B.C., for they continued to harass the Romans with repeated and menacing incursions until the victories of Marius in 102 B.C. and 101 B.C. made Rome feel safe for a time from northern invasion. The results of the immediate invasion were not so disastrous as they would seem, but, strangely enough, the invasion was probably of permanent advantage to Rome. During the period in which the Gauls were in Italy, they so weakened the warring power of the Etruscans that Rome was enabled to get a firm hold upon the land to the north. By 350 B.C. all Etruria, even beyond Veii and Caere, was incorporated in the Roman state. Rome thus became the strongest power on the west coast and one of the strongest on the Italian peninsula. Rome's policy was to keep a firm hold on the new lands, by planting colonies and ruling with a strong hand.

The rapid recovery and growth of Rome's power after the Gallic invasion stirred up trouble with the Latin allies, as did her change of attitude, probably. For while Rome had fought primarily for defense in the earliest struggles with Etruscans, the Volscians, and the Aequians, she soon learned that, when rival tribes seemed to menace the growth and safety of Rome, it was time for Rome to take the offensive. The aim was to insure security, by creating a barrier of allied cities around Rome, or by founding military colonies in newly acquired territory. Even in 358, before the Samnite wars, there had been trouble with the Latin allies, but, in 340–338 B.C., they tried to wrest themselves from Roman control. Their attempt was without success. Rome brought an end to the league by making a treaty with each Latin community separately, preventing in this way possible future confederations in that quarter against her. Each isolated community was kept in Rome's power. The result was that Rome was able to present a more unified force against her future opponents.

While the Romans were occupied with the combats with the Etruscans and was successfully extending her boundaries in the north, creating a barrier of military colonies in the new lands annexed, another power to the south, the Samnites, were pushing out from their retreats among the mountains and were occupying Campania and Lucania. The movement of Rome southward and of the Samnites eastward brought about an inevitable conflict. The Etruscan city Capua and the Greek city Cumae fell into the hands of the Samnites. According to tradition, the people of Campania appealed to Rome for help. The Romans made an alliance with them and, having declared war against the Samnites, forced them to retire, but in so doing discovered a powerful rival.

Rome acted in her own interests in this first struggle with the Samnites (343–341 B.C.). By helping the cities of Campania, Rome hoped to prevent the growth of Samnite power into a greater menace to Rome. The struggle against the Samnites was long and bitter, as it continued in a second and a third stage. In the second, (326–304 B.C.), Rome suffered severe losses but, slowly recovering the ground she had lost, continued the old practice of placing military colonies on the frontiers and by a series of these outposts almost encircled the Samnites. At the conclusion of this stage, Samnium was still able to treat Rome as an equal. The third stage (298–290 B.C.) was used to great advantage by Rome in strengthening her grasp on the land already acquired, as new colonies at strategic points were established. The army was enlarged and better organized. The Samnites on the other hand made a bold move by allying to their cause the dreaded Gauls and the cities of northern Etruria. It was clear to the Samnites and their allies, that the prize of victory was a great one, the leadership of all Italy. Rome first removed the aid of the Gauls and the Etruscans in the battle of Sentinum (295 B.C.), and then after a desperate struggle of five years brought the war to a favorable conclusion. The Samnites were received into the state as independent allies, but the Romans hastened to strengthen their hold on the south by founding a large colony at Venusia. These wars were a continued struggle by two prosperous and desperate rivals for the control of central Italy. By the first war Rome sought to prevent the growth of a powerful rival. By the second she broke up the alliance of her enemies. By the third she established her superiority and made herself the leading power in Italy. The wars with Samnium served to draw the Romans and the

Latins closer together and to create a greater sense of unity within the Roman State. The Romans had the advantage of being firmly united while they fought with a confederation of states. The Romans showed great foresight in making alliances, and by diplomatic skill in securing the support or neutrality of neighboring tribes. Success may be attributed also to the custom of absorbing the new territory as far as possible and preserving at all times a strict unity.

The tribes in the very southern part of Italy, the Lucanians, the Brutians, and the Apulians had engaged in harassing the prosperous Greek towns along the coast, who finally appealed to Rome for help. Rome had become very influential in the affairs of Italy. Rome's victory over these tribes was swift and sure. Anxious to extend her hold in southern Italy and to assimilate what her enemies might otherwise acquire, Rome then demanded that the Greek cities should receive Roman garrisons. But one great city, Tarentum, would not give up its independence but sent across the sea for the aid of Pyrrhus, king of Epirus, who was a great military leader. The appeal was welcomed by Pyrrhus, who was ambitious to expand his kingdom into a great empire by conquering Lower Italy, Sicily, and Carthage. Again Rome was face to face with the proposition of keeping Rome secure. Pyrrhus was a powerful foe. The success of his great project would be dangerous to Rome. Although they met with more than one defeat, the Romans, after a stubborn struggle of five years (280–275 B.C.), were finally victorious, having rejected proffers of peace as long as Pyrrhus remained on Italian soil. Pyrrhus was forced to withdraw from Italy. The Greek cities surrendered one after another, and numerous colonies were planted in the new territory. Rome was mistress of all Italy south of the Po.

New territory was brought under Rome's control in other ways than by the founding of colonies alone. She also extended her hold by the annexation of conquered lands, by the immediate incorporation of new communities into the state, and by the alliances in which subordination to Rome was recognized. Just as in conducting wars, Rome attempted to keep her enemies isolated, so in dealing with acquired territory, her policy was to grant to some tribes their own laws and magistrates, to place others under Roman garrisons under the name of colonies, to allow others to enjoy their own lands under Roman prefects, so that with different kinds of limitations they might not have the same grievances or a com-

mon basis for joint action or conspiracy against her power. By such a policy, unity was always well guarded as Rome expanded, and all measures were taken to prevent the division of her power. But every subject community felt in common with every other subject community its subordination to Rome. During Rome's early struggles, certain communities were freely admitted to the rights of citizenship while some were *forced* to accept these rights. Although Rome made little attempt to introduce the Roman system in the administration of affairs of local communities, the local government varied in independence, according to the privileges granted by Rome. The primary object was to assimilate fully the new community, to make it feel that it had nothing in common with another community except the mutual dependence upon Rome. They were thus all made to feel the unity of the Roman state, and the individual himself was made conscious of this same unity and his own dependence upon Rome by the privileges and duties of Roman citizenship. Citizenship brought with it the attendant blessings of protection, etc. Although a *civis sine suffragio* lacked political rights, he enjoyed the same private rights as a full citizen. He could hold property and be protected in its possession and had the right of appeal in case of severe penalties, etc., but he could not vote for magistrate at Rome or be eligible for office. Every citizen, nevertheless, felt a real share in the common enterprise, Rome. Communities and all allies subject to Rome also enjoyed Rome's protection against their enemies. They had the one common duty of furnishing to Rome the proper quota of soldiers.

After the fall of Tarentum and the subjugation of Magna Graecia, Rome was supreme in Italy. The next stage in her expansion was, consequently, beyond the sea, or let us say that after Pyrrhus was forced to withdraw, Rome had nothing to fear from any power in Italy but that she looked with jealous eyes upon Carthage, who had already given proof of ambitious schemes in the western Mediterranean. Rome was somewhat prepared for this struggle by having built up a small navy, the development of a veteran army, and the adoption of the proconsular system, by which it was possible for an experienced general to carry out a consistent plan of campaign. A consul only held office for one year. The possessions of Carthage were widely scattered along the shore of Africa, Spain, and Sicily, but the territory of Rome, on the other hand, was a compact geographical unit so that prompt concerted action was easier. But Carthage supported a vast mer-

cenary army and an immense fleet. The leadership of Carthage was acknowledged by the towns in northern Africa, by colonies in Spain, and by a few centers in Sicily and Sardinia. The policy of Carthage was guided by commercial demands. Whenever it seemed advantageous to establish a trading-post, a colony was founded. Rome and Carthage were the two great rivals of the Mediterranean world. A contest between these two powers was inevitable, for Carthage came into rivalry with the Greek towns on the island of Sicily. The Carthaginians succeeded in getting a foothold on the west coast of Sicily. At this turn of affairs, Rome had reason to be alarmed, for, if Carthage reached the eastern coast of Sicily, the safety of southern Italy would be endangered. In 264 B.C., a band of Campanians at Messana appealed to Carthage for help against the king of Syracuse. A similar appeal was sent to Rome who also answered, although it was clear that sending aid would mean war with Carthage. Rome could not permit so powerful a rival to entrench so near to Italy. The act of driving out the Carthaginians from Messana set in motion a series of bitter struggles which were to last for more than a hundred years. The first struggle lasted for 23 years (264–241 B.C.). After the war had dragged on for years, the last Carthaginian fleet was destroyed, and the Carthaginians sued for peace. Carthage agreed to withdraw all troops from Sicily. Rome won Sicily, Sardinia, and Corsica. Sicily was Rome's first subject territory. It was treated as a tribute-paying province, governed by a praetor sent out each year from Rome. Now for the first, Rome ceased to be, in fact, a unified city-state in a united territory but remained, none the less, a unity, in consciousness. The sufferings and losses which Rome and her allies had felt drew them closer together. The allies understood more clearly than ever that they must stand or fall with Rome against a foe whose civilization was entirely foreign to their own. Aside from the gains in the territorial expansion, Rome gained a greater sense of security with the two neighboring islands under her control. The war was not a war of conquest nor was it a step toward conscious expansion. It was primarily waged for the defense of Italy and to prevent an ambitious rival from creeping nearer.

Before passing to the second stage of the conflict with Carthage, we must mention that, in answer to the appeals of the Greek cities of the Adriatic, Rome undertook a war against the pirates of Illyria (229–228 B.C.). As a result, many of these Greek towns

joined the Roman alliance. Also there were uprisings of the Gauls in northern Italy (238–222 B.C.) which had to be put down. These tribes had served by thousands in the armies of Carthage. Their territory was occupied and colonies were established at Placentia and Cremona. This brought Cisalpine Gaul within the confines of Rome's domain and made Rome mistress of all Italy from the Alps to the St. of Messina.

Before hostilities broke out a second time between Rome and Carthage, Rome had proceeded to strengthen herself in the north and south, and Carthage had developed her interests in Spain. Finally Carthage took Saguntum. Rome declared war, for Saguntum was a Roman town. The war had been carefully planned against Rome by Hannibal. He boldly set out to invade Italy by land, by crossing the Alps. For sixteen years, Hannibal outfought the Romans in Italy. The issue was decided outside of Italy, when Publius Cornelius Scipio proposed an invasion of Africa, forcing the recall of Hannibal, and defeated the Carthaginians at Zama in 202 B.C. Carthage agreed to make no war outside of Africa and in Africa only with Rome's consent, to yield Spain to Rome, and to surrender her fleet. Rome became mistress of the west, as Carthage was eliminated as a great Mediterranean state. A third stage of the contest took place as late as 149–146 B.C. Carthage had recovered much of her prosperity and again aroused the suspicious fears of Rome. Charging a breach of the treaty of 201 B.C., Rome declared war and finally forced the surrender of Carthage. Carthage was completely destroyed and the site turned under by the plow. The territory about Carthage was added as the province of Africa.

The first step in the development of the supremacy of Rome in the west was the unification of Italy. The second ended with the defeat of Carthage. Rome then had control of the western Mediterranean. Toward this end she had been driven more by force of circumstances than by political and commercial ambitions. To protect the southern coast of Italy, she drove the Carthaginians out of Sicily. As the struggle with Carthage continued, Rome kept pushing her military outposts farther and farther out from Rome, driving her dreaded enemy farther from her doors. Starting with the sole objects of insuring the safety of Italy, and of weakening a powerful rival, with no large schemes beyond the sea, Rome drifted into the struggle with Carthage for the supremacy of the west and emerged victorious.

The next stage of Rome's expansion began in the east. In this movement, Macedonia, Syria, Egypt, and a number of smaller states were concerned. Rome allied herself with Egypt, who was glad to find a protector against Macedonia and Syria. Philip of Macedon and Antiochus III of Syria were ambitious to extend their territory at the expense of Egypt. Philip sought to bring under his power Greece, the islands of the Aegean, and the coast towns in southern Thrace. Rhodes asked Rome to intervene. Rome was very willing to do this, hoping to be able to prevent the growth of a single great empire such as Alexander's had been, for such a consolidated empire would be dangerous to Rome's influence in the east and even in the west. War was declared and Philip was subsequently defeated. As a result of three successive conflicts against the Macedonians, they relinquished all the territory conquered by Rome, granted the Greeks their freedom, and agreed to formulate their foreign policy according to Rome's wishes. The Romans on the other hand annexed no territory, established no garrisons, but merely tried to hold her rival in check. Macedonia lost her integrity, as Rome caused her division into four isolated but independent states. After a vain attempt to keep these states from seeking to unite again, Rome made Macedonia a province in 146 B.C.

Rome had declared the Greek cities free and independent after they were freed from Philip. It became necessary, however, for Rome to take a hand in directing affairs in Greece and in a short time Rome came to give the last decision in Greek politics. Antiochus saw a chance to extend his own power by appearing as the arbiter of Greek affairs and some of the Greek cities favored him. The Roman senate declared war upon Antiochus and defeated him. But Rome did not annex any territory in Asia Minor until after the third Macedonian war, nor in Greece until after the Greek cities tried to unite against Rome. Greece was subdued in 146 B.C. and made subject to Roman taxation. Rome's policy was to strengthen the weak and weaken the strong, but if dangers of conspiracy or confederacy against Rome arose, those states were then reduced to provinces.

After the conquest of Cisalpine Gaul in 222 B.C., the Alps had been accepted as the natural boundary. But a need of better communication between Italy and Spain was apparent, in order to better protect Rome's interests. In 125 B.C. Massilia asked Rome for relief against the tribes to the north. An expedition was

willingly sent, which brought these tribes to quick submission. A large part of southern Gaul was organized as a province called Gallia Narbonensis, from the Roman colony, Narbo. This was the beginning of the occupation of Gaul. When the tide of conquest had reached beyond the Alps, its progress swept it across Gaul, Germany, and into Britain. But Gallia Narbonensis had no natural barrier of mountains as Italy did. In the past, the Gauls had served as a bulwark of strength against the German peoples, the Cimbri and Teutones. But the Gauls, whose spirit had been broken by the Roman conquest, did not choose to resist when these German tribes tried to move with their families into the Roman territory. The great popular leader, Marius, met and defeated the Teutons at Aquae Sextiae in 102 B.C. and the Cimbri at Vercellae in 101 B.C.

Again, in 58 B.C., the Roman province in southern Gaul and the peoples to the north of it were alarmed by news of a similar migration, this time by the Helvetii, who had made long and careful preparation. Julius Caesar, who had been made governor of Cisalpine Gaul, Transalpine Gaul, and Illyricum, defeated the Helvetii and made them return to their old territory. In the same year, he defeated the Germans under Ariovistus, who had crossed the Rhine into Gaul. They were forced to return. In the following year, Caesar crushed the Belgian confederacy, whose territory extended from the Seine to the Rhine and as far north as the North Sea. In 52 B.C., the Gauls under the able Vercingetorix made a united effort to throw off the Roman yoke. Caesar had never before been reduced to such desperate straits. After a bitter campaign he finally forced Vercingetorix to yield. Although Caesar's Gallic campaigns may seem to some only wars of aggression and conquest, it should be clear that the whole series of conflicts in Gaul were also in the interest of security. The program was much enlarged over the early combats to protect Rome. The frontiers were being extended steadily. In a continual process, new frontiers were established to protect the old. The Helvetians planned to move toward the Roman province. Besides being dangerous in itself, the migration would leave their territory vacant to the Germans who were already crossing over into Gaul along the Rhine. Helvetia served as a buffer state. Ariovistus was the next threat. The Belgians feared the Roman occupation of land so near their own and, believing that they would be the next object of Roman conquest, sought to drive back the Romans. The con-

federacy under Vercingetorix had to be broken up lest a powerful combination finally render all of Caesar's former efforts fruitless. As a consequence of Caesar's campaigns, the Roman frontiers were extended to include the territory now covered by France and the Netherlands.

During this period of expansion in Gaul, almost as important additions were being made in the east, by Pompey. Successful wars in the East by Pompey and in the west by Caesar brought these two men to the front as two great military leaders, who were later to contend against each other for the control of the Roman world. Pontus had been an ally of the Romans for many years but, when Mithridates became king, he took possession of the Greek settlements on the northern shore of the Euxine. His attempt to occupy Greece was put to nought by Sulla. He also had to give up his conquests in Asia Minor. Hostilities, after peace had been made, broke out in war again in 74 B.C. As a result the kingdom of Bithynia fell into Roman hands. In 67 B.C. Pompey decisively defeated the pirates who had preyed upon Roman trade along the coast of Asia Minor. In 66–63 B.C. Pompey successfully finished a third war with Mithridates, annexing Syria, and bringing to an end resistance to Roman authority in Asia Minor.

The conquests of Caesar and Pompey pushed the Roman frontiers eastward to the Euphrates and westward to the Atlantic. The acquisition of this vast territory and the consequent changes necessary for its government had an effect upon the central government. The prejudice against reëlection of a consul was forgotten. Marius was consul six times, Caesar five times. Pompey's power against the pirates was for three years with an unlimited "imperium." The long terms of the soldiers of Marius, Sulla, Pompey, and Caesar turned their feeling of devotion and allegiance to their leader and away from the senate or the people. In other words, the development of great provincial dependencies turned the power of the senate to the hands of the commanders of the armies.

We turn now from the long series of external struggles to trace briefly a struggle for control of internal affairs at Rome. The struggle seems to have begun very early in the Roman state and to have finally culminated in the civil conflicts which resulted in the final unification of authority under Augustus. When Tarquin the Proud had been put out, two chief executives, called consuls,

were chosen each year from the nobility. The choice was also controlled by the nobility or patricians. The acts of the consuls consequently favored the patricians. In 493 B.C., the tribunate was established at the demands of the plebeians, to protect their interests against the patricians. The tribunes became the leaders of the plebeians in all their struggles against the patricians for political equality. The early struggles centered naturally about the land ownership. In 367 B.C. the plebeians won the right to the consulship. But the senate was controlled by the patricians, so that they continued to control the affairs of the state, making the consul virtually their minister, who was to perform their wishes. The senate held a popular favorite in check by making his political promotion slow through a *cursus honorum,* and by prohibiting reëlection to the consulship. The management of provinces was far from just or efficient under the proconsuls sent out as governors by the senate. The power of the governors was absolute in the province. Often their sole object was to amass a huge fortune by whatever means they saw fit. After the war with Hannibal, agriculture was ruined. The provinces yielded grain to be sold at Rome at lower prices than profitable to Italian farmers. The condition of the farmer went from bad to worse, as the land was gradually bought up by great landowners. The free laborer was equally in distress, for thousands of prisoners taken at war and sold as slaves were set to work in the fields. The poor became poorer and the rich became richer.

A real active struggle against the senate and the rich began under the leadership of the Gracchi. These two brothers sought to relieve the distress of the poor by a kind of socialistic program which, although it was not practicable as a whole, did help the cause against the senate. Their program called for the assignment of state lands to citizens, and for limitation of the number of acres of land that any one man could hold. Many new citizens were added to the lists as a result of their efforts, and a real opposition to the nobility was set in motion. But the senate triumphed again as these two tribunes lost their lives.

The war with Jugurtha (112–105 B.C.) showed how incapable the senate was in controlling affairs at home and abroad. Disgraceful negotiations and defeats brought the democrats and the middle class to unite upon Marius for consul. In two years Jugurtha was brought to Rome in chains. Marius thus became the champion of the common people in 100 B.C.

The defeat of a bill by Drusus to give the Italians citizenship helped to bring on the Social War (90–88 B.C.), in which the Italians won citizenship but were politically worse off than before. They were no longer allowed self-government but, isolated from each other, were subjected to the direct rule of Rome. It was impossible for them to exercise all their political rights, since they were obliged to go to Rome to vote. The reform of political rights in Italy was thus a reform in form rather than in reality, for under the new system the old evils continued to exist. The lesson of settling internal political questions by force of arms had been learned. The Social War brought Sulla into prominence as the champion of the senate's cause. The bitter struggle between Marius and Sulla failed to decide the question of control. Marius advanced the cause of the democrats but the issue was not decided. The democrats were held in check by Sulla who outlived Marius and retrenched the senate in power.

The Catilinarian conspiracy (63 B.C.) was a movement on the part of certain disappointed leaders to seize control of affairs at Rome, to overthrow the existing government and set up one to their own liking. Ambitious leaders had been taught to look to the sword instead of the ballot for power.

Caesar became prominent as a leader of the democrats at this time. He made an alliance with Pompey and Crassus, known as the first triumvirate, in 60 B.C. It was merely a private understanding. The personal bond between Pompey and Caesar was broken in 54 B.C. by the death of Julia, Pompey's wife, who was Caesar's daughter. Crassus was killed in 53 B.C. in a campaign against the Parthians. Pompey was won over to the side of the senate and made sole consul. Moves were then made against Caesar, and an open breach between the two sides brought on the civil war in 49 B.C. In August of 48 B.C., the issue was decided by the defeat of Pompey at Pharsalia. Before Caesar could carry out his program, he was assassinated by conspirators, moved by personal and political motives. Caesar planned to make the central authority strong enough to resist all opposition, to reform the provincial government, to relieve the debtor class, to punish criminals more severely, to relieve the land situation. He assumed complete power in the state and unified the empire. He granted the Italian towns their own assemblies. He made governors directly responsible to him. The provinces themselves became integral parts of the empire and the interests of each individual

province received careful attention. The struggle for control continued after both Caesar and Pompey were dead.

The Caesarian followers were represented by Anthony and Octavius, while Brutus and Cassius carried on the fight for the senate. A second triumvirate composed of Anthony, Octavius, and Lepidus put the senatorial party to rout at Phillippi in 42 B.C., whereupon the compact between Anthony and Octavius fell into intense rivalry. At the battle of Actium in 31 B.C., Anthony was defeated and Octavius was supreme. Augustus, for so Octavius was called, sharing his power with the senate, governed the world. The question as to who was to control was decided. The answer to the question was a unity of forces represented by the strong central power, the emperor. Augustus set himself to work very cautiously and wisely to establish a real unity of the empire.

While the exaltation and consolidation of unity in the Roman state was a real menace to the local Italian interests, for local communities lost the right of self-government as individual units and their local interests were subordinated to Rome, the common enterprise of all, Augustus sought to stir the imagination in the interests of one unified state. He sought to make unity appeal to all elements everywhere in the empire. He restored the state religion to its old position of dignity. He rebuilt temples, celebrated religious festivals, revived old customs of worship, and emphasized all phases of social life that would tend to unite people in a common interest for the state. He fostered art and literature. In his literary circles he encouraged such glorifications of Rome as the works of Vergil and Livy, etc. He tried to revive the old love of agriculture, to train the Roman mind to thoughts of peaceful pursuits. He attempted to stir up a pride in being a Roman citizen and to make everyone feel a real participation in the enterprise of Rome.

The little settlement on the Tiber had assumed amazing proportions. But however expansive the empire had become, it was impressive as a compact unity, as Augustus had established firmly natural and secure frontiers on all sides. On the east the river Euphrates served as the boundary, while on the south the great African desert served as a natural frontier and made the provinces in that quarter of the empire safe. The Atlantic was the limit of the empire on the west, while the Rhine and the Danube were accepted as the natural limit on the north. In the interest of bringing the provinces into closer relation with Rome, Augustus estab-

lished relay stations at which horses and vehicles were kept so that official correspondence could be forwarded. The provinces themselves were reorganized, as conditions of government and management were improved. Grants of money were made to various towns, and the construction of better roads and public works was undertaken. The provinces were no longer pillaged by unscrupulous governors, for the governors were answerable to the emperor for their acts and given definite salaries for their services. There was also the right of appeal to the emperor against acts of extortion or other injustices. The betterment of conditions in the provinces served to unite their interests more firmly with Rome and to arouse in them a greater interest in being Romans. Likewise in Rome itself and in Italy, many improvements were made. The city was beautified; aqueducts were repaired and bridges, baths, etc., were built. Augustus provided firemen and police to protect the property and lives of men. In Italy, the great " via Flaminia " was re-paved and guards were stationed at various points to protect travelers. A greater love for Rome itself was thus engendered among all classes, as they were all taught to look to Rome for protection and safety, as well as other benefits. The result was a deeper patriotism. Italians, provincials, Romans everywhere acquired the habit of centering their thought upon Rome as the one object of their common patriotic endeavor.

*The Spread of Roman Citizenship.*—As we contemplate, in passing, the remarkable expansion of the Roman city-state, let us pause to consider briefly how, with this growth of the Roman state, certain rights and privileges which we shall recognize as guaranteed by Roman citizenship, were gradually extended to men everywhere the length and breadth of the empire. This means that, whereas, in the beginning only a privileged few in Rome itself were granted these rights of citizenship, by the time of Augustus, men over practically the whole world enjoyed Roman citizenship and its attendant blessings. The peoples of Italy fell into two classes, allies (*socii*) and citizens (*cives*). But citizens were divided into two classes, those who had only civil rights (*cives sine suffragio*), and those who had civil and political rights. To be a full Roman citizen meant to hold all civil and political rights that were guaranteed by the state. Civil rights included the right to hold or exchange property and to be protected in its possession, to appeal to the people against a magistrate's unjust or severe judgment, to contract marriage under Roman law, etc. Political

rights included the right to vote for magistrates at Rome and to hold office at Rome. The extension of Roman control meant substantially the extension of human rights, civilization, even before citizenship was granted to the subjects in the new territory. We are familiar with the misgovernment which prevailed in the provinces. Management of provinces was surely far from just or efficient. The natives were often subjected to the avarice of rapacious governors, who used their autocratic power in amassing huge fortunes. But in spite of the demands of the governor, the greedy money lender, and the tax gatherer, the provincials actually in many respects enjoyed a better lot under Roman control than in their former disorganized condition. Order was established in each community, states were kept from warring upon each other, a uniform law was introduced under civilized procedure, roads and bridges were constructed, harbors deepened, and each province was protected against its enemies. Gradually the abuses of the tax system were removed and governors were limited in their power. To be a Roman subject, citizen or non-citizen, meant, to the individual, the enjoyment of all the benefits derived from Rome as an organized state, the advantages of an organized and ordered society, the freedom from incursions of brigands, the safe pursuit of life and happiness. Before the Social War (90 B.C.) a restriction of trade gave Roman citizens a monopoly of this profitable business. Natives of subject communities had to meet a large part of the expense of foreign wars and send their quota of men, but Roman citizens had the lion's share of the booty and of the land annexed.

As Rome struggled with rival states and added new communities, citizenship itself spread with the extension of Rome's frontiers. At the close of the war with Pyrrhus Roman citizenship was enjoyed throughout the territory from Caere southward to Formiae, and eastward to the Apennines. Not all towns in these limits were given citizenship by that time. Gradually colonies of Roman citizens were sent out beyond as expansion continued, to prepare the community for Roman citizenship and to Romanize the neighborhood prior to its being given citizenship. The number of citizens just after the conquest of Italy is supposed to have been two hundred and eighty thousand. In 135 B.C. the number was three hundred and eighteen thousand and after the agrarian law of Tiberius Gracchus (124 B.C.), the number had increased to three hundred and ninety-five thousand. The great inducements to Roman citizenship

in part, led to the Social War of 90–88 B.C. Livius Drusus proposed to give the Italians citizenship. The bill was defeated but the discontent, which followed the failure of the bill, led the Italians to revolt. The war forced the Romans to share their privileges. Julius Caesar freely extended citizenship to provinces, as did Claudius and Vespasian after him. The process of extending citizenship and all the benefits, attendant upon it, was made complete by Caracalla, who issued an edict in 212 A.D. whereby all freemen everywhere in the empire, that is, the civilized world, became Roman citizens.

It has been necessary to rehearse these familiar facts of the making of the Roman empire in order to bring out with particular emphasis how expansion and consolidation, differentiation and integration, conquest and assimilation went hand in hand to produce not only one empire in fact but also a general sense of one central and controlling power in the affairs of men. Rome was the world of men in fact and could mean that world in the imagination.

After thus briefly reviewing the course of Rome's external and internal struggles, we are ready to make two observations. The first one is that the process of defense led to conquest, both defense and conquest being in the interest of security. Fighting with one hand for self-preservation, Rome sought, with the other, peaceful relations with the surrounding tribes. It is to be clearly noted that Roman expansion was an expediency brought about by virtue of her position in the midst of rival nations, with whom she had to contend in arms for supremacy or perish at their hands.[15]

A second observation is that, when peace was made, Roman territory was rarely ceded, but on the other hand, a vanquished community was compelled to pay by giving up a part or all of its land. The territory which was added by Rome was immediately colonized in an earnest effort to consolidate it with Rome. As Roman farmers moved out to occupy and till the land of Italy, the new territory was gradually Romanized and made an integral part of the Roman state. These farmers would not yield their land

[15] Mommsen, abridged edition, 201. "When we review the extension of Rome's power from the conquest of Sicily to the battle of Pydna, it becomes clear that the universal empire of Rome, was a result forced upon the Roman government, without, and even in opposition to its wish; certainly it was not a gigantic plan contrived and carried on by a thirst for territorial aggrandizement."

and homesteads without a valiant fight. As the number of Rome's landowners increased, the number of her defenders was also increased.[16]

Conquered tribes and nations were not accepted for long as confederate states. In due time the new subjects were given citizenship and a share in the common enterprise, Rome. All were made to feel a deep pride in attaining the designation of Romans. The annexation of land did not mean the mere enlargement of Rome's territory but a veritable expansion of Rome itself. Thus the original unit was gradually expanded by the infusion of the new land into the one compact body. Rome's success was due to this system of centralization and assimilation. First the seven hills were united within the shelter of their city wall, and then outside villages, districts, provinces, countries, and even continents were assimilated in one united and powerful state, which became the mistress of the world. The whole body of people within the Roman domain were taught to look upon Rome as the focal point, the center of the whole nation, the hub of the world.[17]

*Rome's Achievement in the Eyes of Her Reflective Men.*—We are now interested to know how Rome's reflective men regarded the vast empire. What had Rome become in the imagination of those Romans who, during and at the consummation of the empire, reflected on the achievement and tried to estimate it? The answer to our question is found, in part, by observing what effect the consciousness of a great achievement had upon leading Romans like Augustus and what this consciousness prompted them to do. Augustus, as an example, devoted himself to a definite program to glorify Rome, particularly by his patronage of literature and the arts of peace. Augustus was the author of a new régime. By putting an end to extortion and civil wars he ushered in an era

[16] Mommsen, I, 237. "That which is gained by war may be wrested from the grasp again, but it is not so with conquests made by the plough; while the Romans lost many battles, they scarcely ever, on making peace, ceded Roman soil, and for this result they were indebted to the tenacity with which the farmers clung to their farms and homesteads. The strength of man and of the state lies in their dominion over the soil; the greatness of Rome was built on the most extensive and immediate mastery of her citizens over her soil, and on the compact unity of the body which thus acquired so firm a hold."

[17] Mommsen, I, 127. "However far the power of a Latin tribe extended, in the earliest times it tolerated no political center except the proper capital. A peculiar instinct thus caused them to desire or permit only one center for their nation."

of peace. Having pushed Rome's frontiers out to natural boundaries on all sides, he sought to foster a spirit of unity in the empire. He made a deliberate effort to quicken the spirit of patriotism, to make men think about Rome rather than themselves, and to stimulate a unified devotion to Rome, the one object of their regard. To revive patriotism he sought to promote the consciousness of Rome's great achievement in the minds of the reflective men, and the impression of grandeur in the minds of the populace. Literature was a powerful instrument. Augustus thus became a liberal patron of a circle of writers who devoted themselves to glorify Rome, to make it an ideal state, to give it a mission and a destiny.[18]

But let us take, as examples of writers who give us some notion of how they estimated the achievement of Rome, Caesar who fought to make the boundaries of the empire secure, Livy who idealized the history and character of the Roman people, Cicero who as politician and philosopher pushed the conception of Rome to the idea of a universal empire of gods and men, a veritable world community, and Vergil who made Rome the theme of epic poetry and transformed her career into a divine destiny with an obligation to all peoples and nations.

As a matter of course, expansion had put upon the Romans a heavy administrative task. The growth of universal empire and the growth of the attendant administrative responsibilities forced upon the Romans a habit of imperial thinking. Caesar was, first of all, a general in command of the armies of Rome, with a definite military job on his hands. In seeking the governorship of Gaul, Caesar saw the opportunity of gaining a great prize as conqueror. We may believe that he was impressed with the benefits that he might confer upon Rome, but Caesar was not free from personal ambition both as soldier and man. His ambition probably increased as his success continued. He built up around him a powerful well-disciplined loyal army in Gaul. With this army he won victories which he knew meant great military glory for himself and great power as a political figure at Rome. This army of Caesar stood by him through many critical situations and helped to make him the most powerful man in Rome. He gave every

[18] Carter, The Religion of Numa, 151. "In a word, the belief in the eternity of Rome must be instilled into men's hearts. Thus was the idea of the "eternal city" born, and it is no mere coincidence that the first instance of this phrase in literature occurs in Tibullus, a poet of the Augustan age."

man in his army a sum of money after his last campaign was over, as a sign of his appreciation of what they had done for him personally. But in addition to personal ambition, Caesar had a clear consciousness that he was fighting for Rome's security and for civilization, and especially for what he called the " res publica," which he does not define but of which he is very conscious, and conscious of not as a political system of government but as a treasure to be cherished and preserved for the Roman people and for others who recognized the Roman superiority. Caesar was more than a soldier. He wrote about his wars, not only to make a record of them, but to justify his own course pursued in the interest of an end superior to the military.[19] It is also clear that his wars were not only defensive but also offensive. The war with the Helvetians was in reality a defensive war, in which the allies of the Roman people had to be protected from invasion and the Roman province kept from having as neighbors an unfriendly and warlike people. But the first invasion of Germany was offensive, conducted by Caesar not by necessity but that the Germans might not only cease to look across the Rhine upon the territory of Gaul with longing eyes, but also that they might begin to fear for the safety of their own possessions when they saw that a Roman army both could and dared to cross the Rhine into Germany. In this and other offensive wars, Caesar was not only keeping out invaders but removing likelihood of invasion by instilling fear in Rome's enemies. In his offensive wars, Caesar seems to have held up the power of Rome to punish and avenge—Rome as a force to be dreaded—but in speaking for his own people to hear him, he exalted the " res publica," which, it is quite clear, is not the state as a political organization. It is rather the *public thing,* the thing that belongs to Rome and the citizens of Rome; it is their common possession. Caesar can exalt it without evoking party differences, for it is something to be preserved in the interests of everybody. Consequently, everything must be done to keep it safe and free from danger. Caesar's appeal in behalf of the " res publica " may be taken as evidence that the idea was current, so current that

[19] Haverfield and MacDonald. The Roman Occupation of Britain, 286. Certainly it is true that every nation which has counted for anything in history has contributed some definite element of its own to the growth of the world. The mission, the destiny, the contribution,—call it what you like—of Rome, as an Empire, was to teach the practice of social duties, to discipline the diverse peoples, whether wild Celts or wilful Gauls, into a social order and to institute the common life of well organized cities."

Caesar could appeal to it to get support and justify his acts. In fact, " res publica " seems to have been to Caesar almost an equivalent term for Rome—Rome was a public thing and had become the symbol for common interests and hopes.[20] Feeling the administrative burden that rested upon him as responsible for the " res publica," Caesar associated it with matters of highest importance, as being a matter of everybody's concern.[21] Armies were being raised, conferences held, hostages demanded, and wars waged at great cost of life and money for the sake of the " res publica," the public thing, which he seems to have associated with the common welfare and safety.[22] Caesar conducted his campaigns with great caution, feeling that he could run no risk, and take no false steps but that he should be ready to meet any emergency for the sake of the " res publica." He said that the " res publica " had always been of first concern to him and dearer than life.[23] The *public thing* was everything that the people had in common, their city, the common advantages shed upon all in an organized state, common welfare, security against oppression within the state, in fact all the benefits which derive from an ordered society. " Res publica " meant civilization. Caesar used the term as a synthesis of all the common possessions, aims, purposes, desires, and hopes, of all their common social, political, and economic interests. Caesar's lack of exact definition of the " res publica " may mean that he knew that its significance was clear in the minds of the Romans. We can gather that it was not necessarily political, governmental, or constitutional, and that it served partly as a slogan for common action, a unifying cry to the cause of Rome, in the mind of Caesar and others like him who were moved by a patriotic zeal and devotion to Rome. The " res publica " was the guarantee of all that was worth while to the Romans as a nation of people. The preservation of it therefore was a patriotic motive and duty, as a

[20] Caesar, Bellum Gallicum, IV, 25. " Ego certe meum rei publicae atque imperatori officium praestitero."

[21] Caesar, Bellum Gallicum, I, 343. " Quam ob rem placuit ei, ut ad Ariovistum legatos mitteret, qui ab eo postularent, uti aliquem locum medium utriusque conloquio deligeret: velle sese de re publica et summis utriusque rebus cum eo agere."

[22] Caesar, Bellum Gallicum, II, 5. " Quae omnia ab his diligenter ad diem facta sunt. Ipse Diviciacum Haeduum magnopere cohortatus docet quanto opere rei publicae communisque salutis intersit manus hostium destineri, ne cum tanta multitudine uno tempore confligendum sit."

[23] Caesar, Bellum Civile, I, 92. " Sibi semper primam rei publicae fuisse dignitatem vitaque potiorem."

symbol of common interests. All Romans felt united by the consciousness that they were all bound together by a kind of mutual dependence upon each other, as sharers in one great enterprise, Rome, with which they would all prosper or perish together.

Before Livy started his history in 27 B.C., the struggle for control of the Roman state was over and Augustus had set himself to work in a thorough attempt to make Rome a unity in consciousness, as well as in fact. Among other things, Augustus encouraged writing on national themes, as a means of intensifying the sense of unity and patriotism. Livy was encouraged to write a history of Rome. In this work, he undertook to relate and glorify Rome's achievements. He says in the Preface, "For the rest, either love of the task I have set myself deceives me or no state was ever greater, none more righteous or richer in good examples, none ever was where avarice and luxury came into the social order so late, or where humble means and thrift were so highly esteemed and so long held in honour." These are the words of an over ardent patriot. The Romans are pictured by Livy as almost perfect, surpassing all other nations in character, as well as in greatness of their achievements. Livy assigned an ethical value to history. He aimed to do more than explain the events of the past. He accepted parts of the legends of the past as true, without attempting to establish their accuracy. In matters where there was doubt, he accepted what he considered most probable, and used the story for his own patriotic purposes. Throughout his history, Livy idealized the heroes of olden times and portrayed a lofty conception of all the Roman virtues, such as fortitude, obedience, valor, self-restraint, integrity, patriotism, etc. When Livy condemned the conduct of a fellow citizen, he condemned it as un-Roman. His attitude was thoroughly nationalistic; in fact, he has been criticized for his own over-idealization of Rome and his apparent injustice to Rome's opponents. His theme throughout was the eternal grandeur of Rome.[24]

Livy emphasized the fact that the Roman character had been antecedent to her great accomplishments. To him the sum total of the Roman virtues constituted the more essential part of the commonwealth, for it was only the cumulative virtue of her past heroes that had brought Rome to the position of prominence in

[24] Livy. Preface. "Yet, however this shall be, it will be a satisfaction to have done myself, as much as lies in me to commemorate the deeds of the foremost people of the world."

the world, and that would assure her future dominion and permanence. In praise of the glorious past and the virtues of past heroes, Livy decried the prevalence of vice in his own day and the evident decline in the good virtues of the people.[25] However, Livy had a firm belief that Rome had always been under divine guidance and that Rome had prospered under the guidance of the gods.[26] Livy's whole account shows a firm belief in the destiny of Rome to overcome present weaknesses and to perpetuate her dominion in the future. He aimed to make his readers feel an admiration for the glorious past and especially Roman discipline, constancy, patriotism, etc. For admiration would lead to emulation and thus Rome's future would be assured. In praising the self-sacrificing patriotism and devotion to principle which had characterized the past, Livy had M. Curtius say in Book VII that there was nothing more Roman (hence, high and noble) than arms and valor.[27] This picture shows a little of Livy's purely Roman attitude and his desire to inspire men of his day to deeds of valor for their country, to fill them with a love and admiration of everything Roman. He used history for more than relating wars and battles. He put an ethical value upon it. By drawing ideals from Roman history he put an ideal value upon Rome and his account of Rome's history is a step towards this ideal. As a man of letters rather than a soldier, as Caesar had been, Livy could look upon the Roman state more reflectively than Caesar. Livy was detached from the picture which he was describing, and had the opportunity to contemplate and weigh values as he seriously regarded the make-up of Roman character.

[25] Livy. Preface. "... then let him note how, with the gradual relaxation of discipline, morals first gave way, as it were, then sank lower and lower, and finally began the downward plunge which has brought us to the present time, when we can endure neither our vices nor their cure."

[26] Livy, I, li, 5. "For consider these past few years in order, with their successes and reverses; you will find that all things turned out well when we obeyed the gods, and ill when we spurned them."

[27] Livy, VII, 8, 3, 5. "Thereupon Marcus Curtius, a young soldier of great prowess, rebuked them, so the story runs, for questioning whether any blessing were more Roman than arms and valour. A hush ensued, as he turned to the temples of the immortal gods which rise above the Forum, and to the Capitol, and stretching forth his hands now to heaven, and now to the yawning chasm and to the gods below, devoted himself to death. After which, mounted on a horse caparisoned with all possible splendour, he plunged fully armed into the gulf; and crowds of men and women threw offerings and fruits in after him."

Whereas Caesar was moved to fight ardently for the glory of Rome, Livy was equally moved to praise Rome. While Caesar had a share in deepening the national sense by increasing Rome's territory and wealth, and by humbling her enemies, Livy contributed from another angle, by attempting to create a deep and lasting impression of the virtues of Rome's heroes, as a necessary prerequisite of future greatness.[28] The great thing about the "res publica," to Caesar, was that it symbolized possessions to be valued, the public safety and general welfare, and all the attendant advantages within the reach of every Roman citizen. But Livy's emphasis was upon Roman virtues, the character of her great men as well as their great exploits. Roman virtues collectively constituted the most enduring and essential part of the "res publica," a continuous living force upon which the whole physical fabric of Rome's history was fashioned.

Cicero, as politician and philosopher, pushed the conception of Rome to the idea of a universal empire of gods and men. The picture that Cicero presented of the state was not a picture of Rome as it then existed but a picture of Rome as an idealized state. Cicero had been forced by Caesar to abandon his participation in political affairs and had thereafter turned to philosophy. He viewed Rome more reflectively than Caesar, with the mind of a theorist and idealist. Caesar's view was the practical view of a soldier and statesman, Rome as something particular, for a nation of people. Cicero's view was idealistic, Rome as a universal empire, a veritable world community. "Therefore since there is nothing better than reason, and since it exists both in man and God, the first common possession of men and God is reason. But those who have reason in common must also have right reason in common. And since right reason is Law, we must believe that men have Law also in common with the gods. Further, those who share Law must also share Justice; and those who share these are to be regarded as members of the same commonwealth. If indeed they obey the same authorities and powers, this is true in a far greater degree; but as a matter of fact they do obey this celestial

[28] Mackail, Latin Literature, page 154. "Yet, with all his admiration for great men and deeds, what most of all kindles Livy's imagination and sustains his enthusiasm is a subject larger, and to him hardly more abstract, the Roman commonwealth itself, almost personified as a continuous living force. This is almost the only matter in which patriotism leads him to marked partiality. The epithet Roman signifies to him all that is high and noble."

system, the divine mind, and the God of transcendant power. Hence we must now conceive of this whole universe as one commonwealth of which both gods and men are members." [29] Having turned to philosophy for consolation and occupation during his exile, Cicero became attracted to certain of the Stoic ideals, as most Romans were, although Cicero was an Academic by profession. The patriotic instinct was growing into a larger consciousness in Cicero's mind and in the minds of the Romans in general as they saw the world coming under their rule and sway. For Rome was becoming, in fact, the ruler of the nations of the world, as over one universal empire. Both in population and in territory, Rome was becoming world-wide in extent. They were beginning to sense a world consciousness, as they gradually acquired a world outlook. It was not hard for them to look upon Rome and the world as being the same. The new consciousness, gradually acquired, of the one great political order in the world, Rome, was stirring men's minds, as the glory of Rome was so greatly magnified. Stoic teachers at Rome were filling men's minds with the notion of the universal order of things, a world state, and nothing was more natural than that the Romans should think of Rome as the world-state. The benefits of Roman citizenship were fast being extended to men all over the civilized world, now almost entirely under the Roman control. Consequently the "*res publica*" symbolizing *mankind's common interests and hopes,* of whatever nature, as shared by men of all nations under Roman rule, was fast being regarded in the Roman mind as something universal in its scope and belonging to all men everywhere. For as all men had common feelings, and certain common fundamental desires and sensibilities, they felt drawn together in the acquisition of their common ambitions and in the enjoyment of the benefits of their common endeavor. All men were being united gradually in forming one vast polity by the Roman government and were unit-

[29] Cicero, *De Legibus,* I, vii, 23. "Est igitur, quoniam nihil est ratione melius eaque est et in homine et in deo, prima homini cum deo rationis societas; inter quos autem ratio, inter eosdem etiam recta ratio communis est; quae cum sit lex, lege quoque consociati homines cum dis putandi sumus, inter quos porro est communio legis, inter eos communio iuris est; quibus autem haec sunt inter eos cummunia, et civitatis eiusdem habendi sunt. Si vero isdem imperiis et potestatibus parent, multo iam magis; parent autem huic caelesti descriptioni mentique divinae et praepotendi deo; ut iam universus hic mundus sit una civitas communis deorum atque hominum existimanda."

ing in all their common activities, as an actual world state. Whereas patriotism before had been local and centered in a national ambition, it was growing in men's minds, as Cicero suggests, to become a feeling common to all mankind, a world ambition. The "res publica" had become a human possession rather than merely a Roman possession. To preserve it meant a benefit to humanity. Since it was the duty of every man to preserve the "res publica" and since the "res publica" may be looked upon as a universal possession of gods and men, Cicero seems to have felt that it was Rome's duty to preserve the "res publica" for the welfare, prosperity, and happiness of mankind. The difference between Cicero's view of "res publica" and Caesar's view was chiefly in scope. In content it was much the same to both. Cicero's estimation of the Roman state was a step from the particular towards the universal, from something for a race to something for all races of mankind. Cicero's patriotism moved him to seek for all mankind a greater sense of those virtues which work in the minds of men for the betterment of human society. He sought to have every citizen (of the world state) firmly established in his appropriate rank. The people should be taught to love peace and tranquility so that they might dwell together in an ordered society guided by a sense of equity and justice which is innate in every man. All men are by nature responsive to a sense of one universal state in which all men, as fellow-citizens, strive to further the common interests of all. Cicero reminds us of this in the words.[30] "And since we feel a mighty urge to increase the resources of mankind, since we desire to make human life safer and richer by our own thought and effort, and are goaded on to the fulfilment of this desire by Nature herself, let us hold to the course which has ever been that of all excellent men, turning deaf ears to those who, in the hope of even recalling those who have already gone ahead, are sounding retreat." A sense of world patriotism to which Cicero refers would cause men under wise and just rulers, to incline towards benevolence and amiability and to refrain from savage, cruel, and barbarous ways of living. Patriotism in a world state was a virtue to be directed in behalf of all men, while "res publica" must have become in Cicero a common possession of all men.[31] "I will content myself with asserting that nature has implanted in the human race so great a need of virtue and so

[30] Cicero, *De Re Publica,* I, 111, 4.
[31] Cicero, *De Re Publica,* I, 1, 1.

great a desire to defend the common safety that the strength thereof has conquered all the allurements of pleasure and ease." "Res publica" was a symbol of those things of which all men partake in a society of mankind and by which they feel themselves drawn together. It stands for those things for which all men have a common affinity, desire, and admiration. For all men are someway drawn together by certain qualities which we call "human" and by certain characteristics which all men admire and which all men possess in a greater or less degree, such as, the knowledge of what is good for fellow creatures and what is harmful, the appreciation of what is just, and a sense of what influences among men have a civilizing and humanizing force.[32] "In truth, all the arts which concern the civilizing and humanizing of men have some link which binds them together, and are, as it were, connected by some relationship to one another." There is in all men some feeling for the beauty in poetry, for example. Many places vie with one another for the honor of being called Homer's birthplace. All men love liberty and despise servitude. Certain inalienable rights belong to all men. All men admire modesty, probity, fidelity, and honor. "Res publica" represents the common desires and admiration which men have in common for those qualities which make for civilizing and humanizing forces among men, and by which they are linked together in a vast unit. It represents a universal sense of justice and equity among all men. The "public thing" then is best safeguarded by rulers who have the welfare of all subjects equally at heart. "Res publica" is a common freedom from corruption, cruelty, and avarice of rulers and is a synthesis of all the benefits of an honest and happy life.[33] "And they insist that harmony is very easily obtainable in a State where the interests of all are the same, for discord arises from conflicting interests, where different measures are advantageous to different citizens. . . . Therefore since law is the bond which unites the civic association, and the justice enforced by law is the same for all, by what justice can an association of citizens be held together when there is no equality among the citizens? For if we cannot agree to equalize men's wealth, and equality of innate ability is impossible, the legal rights at least of those who are citizens of the same commonwealth ought to be equal. For what is a State except an association or partnership in justice?" Cicero not only

[32] Cicero, *Archias,* Younge's translation, page 120.
[33] Cicero, *De Re Publica,* I, xxxii, 49.

extended the " res publica " to the whole world but also emphasized Roman virtues rather than security from external foes as constituting the " res publica " idea, for at the time of his writing there was less and less danger to the " res publica " from without. He stressed the idea that the " res publica " was not only a *Roman* " public thing " or " joint quality," but also a *human* " public thing." Cicero made Rome a philosophical concept, an ideal. Rome became synonymous with mankind and the whole physical realm in which men lived. Rome was the term for the physical side of a peculiarly Roman world-state philosophy.

Vergil was a member of the intimate literary circle of Augustus, which the emperor patronized as part of his program to glorify Rome and to cultivate a unified patriotic consciousness. Augustus had firmly established the frontiers of the empire and made Rome a real unit externally, a unit which was virtually the whole world. Vergil made Rome the theme of epic poetry, tracing her history to a remote mythical past and assigning divine ancestry to her founder and her royal line, including the emperor Augustus. In one of his outstanding passages he assigns world dominion to Rome.[34] " Lo! under his auspices, my son, that glorious Rome shall bound her empire by earth, her pride by heaven, and with a single city's wall shall enclose her seven hills, blest in her brood of men." In the mouth of one of Rome's early heroes, Vergil puts a prophecy of universal dominion. As mentioned before, Aeneas, who was the son of Venus, was according to tradition the progenitor of Romulus, the first king. In Vergil's mind, the supremacy of the Julian " gens " was identified with the culmination of the Roman state and the carrying out of Rome's great fore-ordained and predestined mission to the world. Rome was something for humanity. It was destined to be a universal city of peace and right, the conqueror of barbarous nations, the giver of law and order to the world. Rome's career was transformed into a divine destiny with an obligation to all peoples and nations.[35]

[34] Vergil, *Aeneid,* VI, 781–784.

" En, huius, nate, auspiciis illa incluta Roma
imperium terris, animos aequabit Olympo
septemque una sibi muro circumdabit acres,
felix probe virum."

[35] Vergil, *Aeneid,* VI, 847–853.

" Excudent alii spirantia mollius aera,
credo equidem, vivos ducent de marmore voltus,
orabunt causas melius, caelique meatus
describent radio, et surgentia sidera dicent:
tu regere imperio populos, Romane, memento;
hae tibi erunt artes: pacisque imponere morem,
parcere subiectis, et debellare superbos."

"Let others meet and mould the breathing bronze,
To forms more fair, aye, out of marble bring
Features that live; let them plead causes well;
Or trace with pointed wand the cycled heaven,
And hail the constellations as they rise;
But thou, O Roman, learn with sovereign sway,
*To rule the nations.* Thy great art shall be
To keep the world in lasting peace, to spare
The humbled foe, and crush to earth the proud."

Vergil's sympathy was centered in elementary human affections.

In the minds of these representative Roman writers, who reflected upon the achievement of the Romans and made some estimate of it, Rome was, at first, as in Caesar's mind, something which stood for the general welfare, the security, and best interests of all his fellow Romans. The "res publica" was a symbol of all their interests and hopes, a valuable possession to be carefully guarded. Cicero, as a philosopher, looked upon Rome as a universal state composed of all men. Vergil assigned to Rome a stewardship of the world state, an obligation to all peoples and nations. Rome, of divine origin and destiny, an eternal city, was to receive within its protecting power future generations and nations yet to be born. These writers exhibit a sense of posterity. Their audience was, in their imagination, not local or temporary. There was the sense of the audience of mankind.[36] "In their efforts they were assisted by the consciousness that they were not working for a single country and a single people, but for the human race; that their works would form part of the literature of the world. Ennius had been brought to write poetry for the rulers of Italy. Vergil and his contemporaries knew that they were writing for mankind in general and indeed the outlook upon an horizon so immense was enough to make them giddy." Vergil, Horace, and other writers of their time as well, were writing not for a nation but for the world. Their patriotism was more than pride in the achievements of their race; it was also a demand that Rome be recognized as the steward of civilization. Her mission was to save the world from disorder and disintegration and to keep it tied to a humanizing destiny. Their patriotism put Rome in the position of world responsibility.[37] Men without number all over the world looked upon Rome as the source of law and order. Having assumed a stewardship of mankind, the Romans became

[36] Friedländer, *Roman Life and Manners,* Vol. 3, pp. 22–23.

[37] Haverfield and MacDonald, 288. Vergil, *Aeneid,* VI, 857 ff.

more and more conscious of a mission to humanity. The missionary feeling that the Romans developed is quite in contrast with the highly exclusive attitude of the Hebrews. The latter were a pastoral people depending upon their flocks for food and roaming from one place to another. The religion of the Hebrews, more than to any other people, was consciously the one end and aim of their being. The Hebrews, unlike the Romans, were an exclusive people. It was not the general tendency of the Hebrews to proselyte. The idea of Rome as a universal empire, or the idea of the identity of Rome with the world and the identity of Roman citizenship with world citizenship was developed in Roman soil, and, although Cicero and other Roman thinkers were subject to Stoic influence, the idealization of Rome as world-state was developed in Roman thought as Rome expanded and the world-philosophy which was built up around Rome as an ideal was a Roman philosophy. Cicero gave a Roman turn to whatever Greek ideas he selected. But the acceptance of a stewardship of mankind grew into a humanistic conception, a human sentiment, of which the Romans became so vividly conscious, so deeply moved them that it became almost a passion for humanity. The burden of this responsibility produced a moralistic trend in later philosophical writers, like Seneca and Marcus Aurelius. They dwelt upon the organization of the whole world as a universal state and the conception of mankind as one. Seneca says, near the end of his essay on *Leisure* that there are two republics, one vast and truly public, which contains alike gods and men, in which no account is taken of this or that bit of land, but whose boundaries reach as far as the rays of the sun. The other republic is that to which one has been assigned by accident of birth. The highest form of patriotism then is that which prompts men to serve one another, to act in the interests of civilization as opposed to barbarous or savage tendencies of whatever nature. Seneca goes on to say that it is the duty of man to be useful to his fellowmen, if possible, to many of them, for when one helps others he advances the general interests of mankind. Marcus Aurelius looked upon man and the world as part of a divine order of things, controlled by the law of Nature. Man's duty is to seek to know the law of Nature and to live in accordance with it. Mankind is swept along with all else in the universe.[38] "For the Fate which is allotted to each man is swept along with him, as well as sweeps him along with it." All

[38] Marcus Aurelius, III, 4.

men are subject to the same physical laws. What affects all, affects the individual. Hence it was man's duty to serve humanity, to conform to the law of Nature. Stress lies upon the virtuous life.[39] "All that is in tune with thee, O Universe, is in tune with me! Nothing that is in due time for thee is too early or too late for me! All that thy seasons bring, O Nature, is fruit for me! All things come from thee, subsist in thee, go back to thee. There is one who says, Dear City of Cecrops! Wilt thou not say, O Dear City of Zeus?" To these later writers patriotism in the world state has become a moral ideal. All should conform to the law of Nature.[40] "Now the end for rational beings is to submit themselves to the reason and law of the archetypal city and polity, the universe." Thus men live together for the sake of one another in a universal system. They have been fashioned for mutual benefit, by no means harm.[41] "All things are mutually intertwined and the tie is sacred, and scarcely anything is alien the one to the other. For all things have been arranged side by side and help to order one ordered universe."

It is interesting to note how the responsibility of world stewardship affected the philosophical outlook of later Roman writers, like Seneca and Marcus Aurelius. The feeling of responsibility moved them to the view that it was individual man's duty to live a virtuous life, for the sake of the whole body of citizens. Rome, the world, an eternal universal polity, was responsible for all mankind. The responsibility was enormous. "Res publica," the public thing, which Caesar fought for so vigorously, and which Cicero applied to all men as members of one world state became a world mission to Vergil. The human sentiment grew deeper in the Roman mind as writers continued to voice its meaning. Marcus Aurelius and Seneca felt the weight of the responsibility of the stewardship of mankind and made "res publica" practically an ethical ideal.

[39] Marcus Aurelius, IV, 23.
[40] Marcus Aurelius, II, 16.
[41] Marcus Aurelius, VII, 9.

## III

## THE SANCTIFICATION OF PATRIOTISM

We have observed the growth of the little refuge settlement on the Tiber into a powerful nation and then into a state that was world-wide, both in fact and in consciousness. The development of the world empire and the consequent rise of imperial political thinking was one of the factors contributing to the Roman conception of the universe as a world state of which Rome was the center and in which all men were fellow citizens. Along with the development of the physical or political side of the Roman world-state philosophy there was a second factor, the religious development, which contributed to the world-conception and furnished a metaphysical or spiritual side of the world-state philosophy. The growth of the political consciousness and the growth of the religiousness are interwoven. The Roman conception of universality sprang from beginnings that were in part religious and in part political, their final sense of universality comprising both a universal political consciousness and a universal religious consciousness. The Roman religion, as we first observe it, was something local and particular, but as the state expanded, religion also moved from the local and particular toward something universal. The Romans discovered that religion was something characteristically human, as belonging to all men. The diversity of religious expression at Rome was an expression of the same universal trait. Its most universal form at Rome was Emperor worship.

*The Native Roman Religion, the Religion of Agriculture.*—The Romans were a deeply religious people. They had, beyond doubt, a distinct religious sense of their own long before we can discern its traces in the evidence at our disposal, and long before the religions of other peoples were known to them. We can best discern what the native Roman religion was like in the family where the state had little occasion to interfere. We must be clear about the meaning of "familia" in order to see how it is that in the family religion we get the best notion of the native religion. When various "gentes" began to settle upon the seven hills of Rome, the "familia" was a small unit of the "gens." The essential characteristic of the "gens" was the idea of kin. But the word "fa-

milia" did not mean a unit of kin. The work of building homes, clearing land, and cultivating the fields was better carried on by a smaller unit than the "gens." This division living in one house, tending its own cattle, and tilling its own land with the help of all dependents and slaves was the "familia." An artificial union of these "familiae" constituted a "pagus," about which the essential idea was that of the land occupied. The pastoral tribe or "populus" was divided into various "gentes." The family was the center of the native Roman religion, which we may say was distinctly social in character, not for the benefit of the individual but for the benefit of a group, the family.[1]

The member of the "familia" had for his individual worship only his "double" or guiding spirit, called the "Genius" of a man and the "Juno" of a woman. But even these had a connection with the family. The "Genius" originally symbolized the procreative power of the individual, the soul of a man which enables him to continue the life of his "gens." The continuance of the family was a religious duty and necessity, for it was imperative that there should be some representative of the family to perform the traditional sacrifices. This was an act of "pietas." If there was no male child in the family, adoption was resorted to, so that a successor could be provided for the "pater familias," the high priest of the household. Just as a living man had his "Genius," so the dead man had a "Genius" or "double" which, however, was not an individual, but which formed a part of the mass of the spirits of the dead, "Di Manes." The spirits of the dead were not offered sacrifices individually but as a group. Thus the Romans did not believe in immortality of the individual, as such, but as a part of the mass of the "Di Manes." Religion had an individual aspect at the time of a death in the family. Funeral rites were of complicated nature and expressed the feeling of extreme anxiety for the dead and for the living as well, since the dead were looked upon as possible sources of evil. Marriage was an elaborate religious ceremony, performed with great precision. A birth was also an occasion of religious ceremony, which represented the acceptance of the child by the father. This ceremony was necessary to make the child a member of the sacred circle of the family, in the religious sense. These rites of marriage, death, and birth

[1] Cyril Bailey, *Ancient Rome*, 33. "The institutions of Rome, legal as well as religious, all point to the household (familia) as the original unit of organization: the individual, as such, counted for nothing, the community was but an aggregate of families."

are, after all, not specially for the sake of an individual but all have to do with the welfare of the family and its continuance.

Thus the " familia " indicated an agricultural unit, and its religion was therefore a religion of practical utility, daily work, the struggle for existence, the sowing, the harvest, the boundaries, the house, the spring, the burial place, etc. With all these some sacred feeling was associated, which prompted a constant religious attitude. The members of the " familia " were faced by the ever present needs and perils of an agricultural existence. Their religious feeling was devoted to powers which had some control over those things most intimately connected with their physical existence and with the present daily life. Not much religious care or thought was devoted to an after life, or to powers that might control or grant immortality. Whatever " religio " may have actually meant, it served, in terms of the religious practices of the Roman family, to prompt them to cultivate powers, whose protection and guardianship they felt need, for the sake of the family's material welfare. These powers were called " numina." Whether or not the word " numen " was derived from " nuo " to nod (as " flumen " from " fluo," to flow) and thus came to mean the divine nod, will, or power, it is clear that, so far as the actual practises of the native religion were concerned, the " numina " stood for those divine forces believed by the Romans to be associated with the objects about them in their daily life upon the soil, with which it seemed necessary to be in a proper relation. The " numina " surrounded the Roman in all his activities. The exact nature of a " numen " was vague and uncertain but the function was very clear. Propitiation of the " numina " caused the earth to bring forth her increase and protected the family from harm. The purpose of the religious act was to accomplish practical and useful ends. Unlike the Homeric gods, who had human form and lived lives similar to human beings with individual careers, as members of a divine society, the " numina " were merely indwelling powers with some peculiar controlling power over the phenomena of daily life. Roman agricultural gods were not members of a divine society. The tiller of the soil must have felt a necessity of cultivating the powers that controlled the elements and must have stood in constant awe before them, as he helplessly faced the imminent dangers to his crops and herds from storms, drought, disease, etc.[2] " In the life of the old Latin farmer, as we saw, his religion was

[2] W. Warde Fowler, *The Religious Experience of the Roman People,* 103.

a reality, an organic growth, coincident at every point with the perils he encountered in his daily work." In the family worship there was no personal deity. The gods were either powers or masses of powers. In the early family religion it was felt that the object itself was the thing that needed propitiation. The door ("ianua"), for example, was that which kept out robbers or evil spirits and consequently the god "Door" (Janus) was treated with religious anxiety. Likewise the goddess "Hearth" (Vesta) was a sacred part of the house. But these and other parts of the house came to be looked upon as having guardian spirits which became the objects of worship. Janus became the spirit of the door (and beginnings) and Vesta the spirit of fire. The storage closet ("penus") was guarded by the "Di Penates," thought of as a group of powers, probably because they were early associated closely with various foods in the storage closet. The health and the storage closet were vital parts of the house; Vesta and the "Di Penates" became the core of the family religion, representing the indispensable material elements of the home. Another deity, "Lar familiaris," had another important part to play. The "Lar" was first probably not a deity of the house but of the land, originally the group of deities who guarded the various farms. The "Lares" were worshipped where boundary lines crossed, each family having a "Lar" as a presiding spirit of its own allotment of land. The worship of the "Lar" shows the close relation of the agricultural life of the early Roman community with its religion. Since the care of the farm itself included the care of the house, the group of "Lares" guarding the various farms become guardians of the various houses as well as their farms, each house having its own "Lar." Next the "Lar" became the general guiding spirit over a house whether it had any land attached to it or not.

Thus far we have been observing the character of early Roman religion, that it was closely related to the agricultural life of the "familia," that it had to do with powers associated with the objects about men in the household and in their daily work upon the soil, that the "numina" were treated with special anxiety so that they might be propitious toward man seeking to win his daily bread, and that it was distinctly social in character, that is, for a group, the family, although it was particular and localized, as something for a people in a particular environment and leading a particular kind of life. The attitude toward the deities of household and field is best summed up in the word "pietas."[3] "Surely it is here in

[3] W. Warde Fowler, *The Religious Experience of the Roman People*, 6.

that life that the famous word "pius" must have originated, which throughout Roman history meant the sense of *duty towards family, state, and gods,* as every reader of the Aeneid knows." Pietas was a complex Roman virtue. It inspired obedience. It was the tie by which men felt bound. A son was taught to obey his father, citizens the state, and all to obey the gods. "Pietas" in the agricultural household was limited to the bounds of family life and expressed itself in the various religious practises of propitiation and worship. Among these was the regular sacrifice to Vesta. The family took their meals at a table near the sacred hearth. After the first course of the noon meal, an offering of part of the sacred cake was made by the daughters of the family. Also, according to a simple ritual, a morning prayer was offered to the gods, Janus being invoked first, and Vesta last. Every morning some offering with prayer was made to "Lar familiaris" and again at mid-day. On Kalends, Nones, Ides, and all "dies festi," a "corona" was placed on the hearth and "Lar" invoked with prayer.[4]

*Gods of the Early State.*—A Roman farmer's life was not bounded by his house, for his living was gained upon the land. Over his various activities upon the soil there were numerous powers whose aid had to be sought. In the infant community state the struggle for existence became intense and rivalry among men increased. In addition to this, bands of brigands roamed about the country side, and rival tribes surrounded Rome. It was thus that Mars, who is supposed to have first been a deity of the fields and woodland wilds, that is, a peaceful deity of vegetation, became, for the farmer, a warder-off of evil influences that would rob him of his crops, a forceful protector of the fields. Mars became a god of strife. His worship was kept up outside the young city. He was worshipped in a festival of the fields. Another deity of the country side was Neptune, who, in early Rome, was not an ocean god like the Greek Poseidon, but a god of rivers and springs who was worshipped as the giver of water, for the Roman farmer was dependent upon water. Vulcan was merely the god of destructive fire and was worshipped that he might be appeased. Juppiter was only the sky-god, especially of lightning ("Juppiter Feretrius"). The religious calendar of Numa records for us a list of more native gods ("Di Indigetes") to be kept distinct from imported deities ("Di Novensiles"). The names of many ex-

[4] Cato, *De Re Rustica,* 142.

press by their adjectival character, their function. Deities came into being to sanctify secular activities. Saturnus (a native Roman word from sero, to sow), had to do with sowing of seed. Others were Terra Mater, worshipped that she might be fruitful; Terminus, the spirit of the boundary stone; Fons, the spirit of the spring; Robigus, spirit of protection against rust and mildew; Vertumnus, a garden deity; Ceres, spirit of the harvest; etc. All of these many deities and others of like nature, associated with the agricultural activities of men, plowing, fertilizing, sowing, and harvesting were worshipped with great care and precision. Special religious precautions were taken to provide for rain, to prevent storms, drought, etc. Such general religious acts took the form of festivals of the fields and fell into three chief groups; festivals of spring, of summer, and of winter. The festivals of spring, expressed the hopes and fears for crops and herds; those of summer were festivals of gratitude and celebration over harvests; those of winter expressed anxiety attendant upon sowing and were also a time of social rejoicing (comparable with our Christmas festivities). The process of acquiring new gods and assigning new meaning to the old continued as the city-state expanded.

*The Religion of Patriotism.*—The Roman community of the seven hills gradually took on more and more the aspects of city life and lost more and more the particular qualities of a one-class agricultural society. Its original interest, agriculture, became only one of the many interests of a city society involved in commerce, politics, etc. It may be said, in brief, that as the early organization of the state was modelled on the family, so was the religion of the city-state modelled on the religious practises of the family. It was a broadening of the old conception of the household and of the worship of the "numina" of the fields. Janus, the spirit of the door, or beginnings, passed over into the state religion and a temple was in time erected to him in the forum, the doors of which were always open when Rome was at war and closed when Rome was at peace. The symbolic meaning of Janus was somewhat changed as he became a state god and was associated with peace or war. He had received a degree of military and political content. The goddess Vesta was worshipped as the spirit of the state hearth, the religious center of the state as it was of the house. The sacred fire was renewed once a year on the state hearth by the primitive method of friction. The six Vestal Virgins who watched over the sacred fire represented, in the religious duties of the state,

the unmarried daughters who presided over this beautiful cult in the family religion. The "Penus Vestae," the storehouse of the state, was in the care of the Vestals. The "Di Penates" were represented in the state religion, and the "Lares" also had a counterpart in the state worship, the latter being worshipped in the rustic festival, the Compitalia, an occasion of great licence among slaves and citizens alike. The "Genius" of the "pater familias" was also taken over as a kind of guardian spirit of the state. We read of the "Genius populi Romani" and the "Genius urbis Romae." The "Penates," "Lares," Vesta, Janus, and "Genius" were thus a part of the state religion. But as Rome actually began to expand, we note real changes taking place with various other deities. Juppiter came to take priority over the other deities and as such became the center of the state religion. In the internal political life of the state, he acquired the character of justice and guardian of oaths. He emerged eventually as supreme among rival deities to become the best and greatest (Juppiter Optimus Maximus), the supreme Roman deity, almost the personification of Rome itself. Juno, as a deity of women in connection with marriage, childbirth, etc., became a general guardian of the rites of marriage, acquiring also the qualities of majesty ("Regina"), partly as the counterpart of Juppiter. Juppiter took on new meanings, as the Romans came into contact with their enemies, that is, as war became more important in the state. Juppiter became the stayer-of-rout ("Juppiter Stator") and was so worshipped. He was also called the giver-of-victory (Juppiter Victor). War had been something new to the agricultural community and, not being the Roman business or occupation, it had not acquired a special "numen." But the process of war caused some of the existing deities to expand and take on additional content and meaning. As the process of war became more important in the growing state, Mars lost practically all of his early functions and acquired a new set as the demands of the state required. He became outstandingly important as the god of war. He had charge of the general conduct of war. His festivals, his priests, his symbols, the sacred spears and shields, all were warlike in character. Another deity who was associated with Juppiter and Mars, was Quirinus, about whom so little is known. He is supposed to have represented armed peace.

Around Rome in Latium were her allies, the Latins, who performed the service of partly absorbing foreign influences before

they reached Rome. As Rome became the leader in Latium and expanded to come in contact with Greek merchants from the south and with the Etruscan artisans from the north, religious changes were reflected at Rome. For, gradually, as a variety of people from various parts of Italy came to settle within the walls of Rome, not only did the early deities acquire new characteristics and functions, but new gods were brought in from without, whose presence at Rome had a distinct influence. As many gods were always worshipped, the arrival of new gods was not frowned upon, but the new deities were accepted as patrons or guardians of the new interests and occupations which had been unknown to Romans before, and which had not been provided for in the old scheme of deities. Politics, trade, and art were not represented in the old religion, and it was these deities that Rome supplied herself with, as if equipping herself for her future world career.

As Rome expanded then, the religion of agriculture took on new meaning and content. The old gods of the farming community acquired a political content, especially through the process of war. Gods of vegetation, the sky, rivers, peasant life became gods of war, victory, justice, the ocean, handicraft, as the agricultural society broke up into a many-class city society with its manifold interests of national life and commerce. The expansion of Roman religion was not a process of the spread of gods out from Rome but an expansion of content and meaning, as new interests developed which needed divine sanction and attention. As the Roman religion was carried to other places than Rome, the gods of Rome extended their influence. Religious expansion was not geographical therefore, except as the new cities brought under Roman control were gradually taught to worship the gods of Rome. When new gods were adopted, they were brought to Rome, the center of the state, politically and religiously as well. Rome was the home of the gods. The temples of the gods were dedicated in Rome. However far Rome expanded, her subjects looked back to Rome not only as the seat of political authority but as the seat of their religion, much as Roman Catholics today all over the world look back to Rome as the seat of their religion.

As Rome expanded her territory northward towards Etruria, she came into contact with the town Falerii, where the cult of Minerva flourished. She was early associated with the Greek Athena, though the only thing they really had in common was the interest in handicraft. Minerva was a peasant goddess, a goddess

of the artisan and laborer. Worshipped first by laborers in their homes, she grew in importance so that the state had to acknowledge her. But Minerva's temple was outside the " pomerium " and she was worshipped as a patroness of the artisan class.

The story is familiar that Alba Longa lost her leadership in her league to Aricia where flourished the cult of Diana, goddess of woods and wild animals, a patroness of the hunt and of small animals, a goddess of birth, among mankind a goddess of childbirth. The introduction of the worship of Diana was a diplomatic stroke in Roman foreign policy. First, a temple was erected to Diana, and Diana was then worshipped at Rome with great devotion. The close association of Diana with Rome was a successful attempt to put Rome into the position of the center of religion, as she was fast becoming leader in politics. As a league goddess, Diana was worshipped outside the sacred wall. This worship of Diana was not needed in religion at Rome but it was needed in the diplomatic game by which Rome grew in political power to the supremacy in Latium. The reflex of this action was an increased interest in politics, though first the aim was to prevent Aricia from acquiring a position of power in the territory around Rome that would eclipse Rome. As has been described, Juppiter was chosen as the divine patron of Rome's ambition. Diana was not destined to be of great importance in Rome. Juppiter (Optimus Maximus) brought into subjection all other gods, " Juppiter Fulmen," " Feretrius," " Latiaris," " Fidius," etc., as the city Rome was beginning to bring under her supremacy all other cities. These above modifications of the native Roman religion, as it became tied up with the city and its expansion, took place in the sixth century B.C. or in the period of the later kings. An isolated agricultural community had turned into a city-state with political aims and had discovered new interests in trade and artisanship. The consequence was the adaption of the old gods to city life and the arrival of new cults for new social and political interests. Rome had learned that gods outside of Rome could be made useful to that state. What happened was, however, that the gates were wide open now and when the influence of Greece was more direct, the new gods overwhelmed the old gods. As soon as Rome began to expand and to seek commercial gods, a struggle began between the " Supreme Genius " and the outside cults. The established civic religion was gradually undermined and the sovereignty of Juppiter was destined to give way in the face of the many non-

political cults which were arriving at Rome. This process had been going on during Rome's early periods of expansion in Italy.

The Greek Herakles and Hermes were patrons of travelers, especially merchants. They were carried by settlers to the new colonies of Magna Graecia in Southern Italy and began slowly to make their way northward. The name Herakles itself was changed to Hercules. This cult at first, was not received so well at Rome as at a little town north-east of Rome, Tibur, where Hercules became thoroughly Latinized. In time, the Romans accepted this cult, not as a foreign but as a Latin cult, and even put up an altar in the city proper, within the "pomerium," the imaginary religious wall put around the city at the time of its founding, to serve as a barrier to all except beneficent spirits and to keep in those spirits that were beneficent. But Hercules lost all his Greek attributes except his function as a patron of trade and travel. The practical side alone appealed to the Roman. A god from without had been obtained by virtue of the contact of commerce. The Romans thus gave trade a divine sanction.

Another god who came from Magna Graecia was Castor (and Pollux), usually referred to as one. Castor was a god of protection, rescuer from dangers of the sea, and also a patron of horsemen. The Greek colonists had taken with them into Southern Italy their god Castor, who was a god of the horsemen. The deities of war and commerce always went together. Later Mars and Mercury appeared on Roman coins. The cult of Castor was first received at Tusculum, so famous as Cicero's abode while he was in exile, where it was Latinized. Finally it was accepted at Rome as one of her native cults, since it had come from a town of the Latin allies, kinsfolk of the Romans. Legend later explained that news of the Roman victory at Lake Regillus in B.C. 499 was brought to Rome by the miraculous appearance of Castor and Pollux, who were seen watering their horses in the Forum at the fountain of Juturna. A temple there was vowed and later completed and dedicated. The cults of Hercules and Castor are the first evidence of Greek influence in Roman religion. They were needed because, as Rome grew, the interest in trade and warfare increased.

Many new commercial gods were introduced which were not needed and which were already represented. In 495(3) B.C., Rome was in distress on the occasion of a shortage of grain. Importation was interfered with by war with the Latins. The

Sibylline books ordered the introduction of Demeter, Dionysos, and Kore, Greek deities, which were worshipped at Cumae, a new source of Rome's grain supply. The cult of Ceres was a sanctification of the importation of grain. For Demeter, Dionysos and Kore were given the names of already existing Roman deities, Ceres (a goddess of fertility), Liber (patron of fruit and vine) and Libera (paired with Liber; later Persephone), all of which lost their old meaning. The new Ceres assumed political importance chiefly, as a special deity sacred to the plebeians, as Minerva was to the trade unions. The temple of Ceres was the treasury of the plebeians, as Saturn was the treasury of the whole state. The importation of grain from Cumae advanced Roman interest in commerce, especially ocean commerce, for grain was soon brought from Sicily. And thus, a new deity was needed to protect the merchants who carried the grain. The new deity was Mercury, who did not retain the other attributes of the Greek Hermes who was associated with travel, roads, trade, protection of the market place, etc. With the arrival of Mercury and the dedication of his temple the "collegium mercatorum" (chamber of commerce?) began. The increased interest in commerce led to the identification of Neptune, the old god of rivers and springs, with the Greek Poseidon, ruler of the ocean.

The habit of assigning Greek names to Roman gods and taking up with Greek gods affected the expansion of Roman religion. The necessity of religious sanction of new interests led the Romans to look for new gods. But once foreign gods were introduced and the habit formed, as foreign contacts multiplied, gods were introduced whose attributes were already represented. But this habit had the effect of helping Rome to discover new commercial and political interests. The worship of Mercury, for example, increased the interest in trade with other cities. The arrival of Hercules, Castor, Neptune as god of the ocean, and others diversified political and religious interests. In the main, new gods were made to serve new interests, and, as the structure of the state became more complex, additional and new content was given to old gods. The addition to the number and the variety of interests thus sanctified had a reflex upon political expansion. As the state expanded politically the influence of Roman or Romanized gods was spread over new territory. Political and religious expansion were linked together. Roman religion expanded in content and meaning, but Rome was always the seat of religion as of politics.

The religion of family piety and agriculture with its deities of the house, family, crops, etc. passed over into the religion of the state with its " Genius," " James," " Vesta," " Penates " etc. under the sovereignty of Juppiter. With expansion of the state the civic religion required gods of war, peace, trade, travel, politics, art, etc. not represented in the old agricultural religion. With the first importation of tributary gods the breakdown of the civic religion began. What followed was the importation of non-political cults. Among these were the Sibylline Oracles used more and more for non-political purposes, cults of healing (Apollo and Aesculapius), cults of after life (Dis and Proserpina), women's cults (Magna Mater), and philosophical cults. The result was a complete breakdown of the civic religion.

In the period 500 B.C. to 200 B.C., there was a steady increase in the number of cults which were non-political. This is the turning point. Many new gods and many new temples appeared in Rome. The forerunner of these many new gods was Apollo, who was brought to Rome, as a god of healing, as a result of Roman relations with Cumae, a Greek colony, famous for its Sibyl. Along with Apollo came the Sibylline Oracles, with which he was closely connected, for Apollo inspired the Sibyl and the Oracles themselves were his commands. The acceptance of these books was of very great significance. Before this time, there was no religious debauchery. Roman religion was best and strongest before the coming of the Sibyl, that is, it was best adapted to the needs of the state, and so long as the old civic religion held sway, it kept down excesses of superstition. The simple patriarchal community had developed into a complex structure in which the great variety of interests were represented in their religion. The more particular intellectual interests did not develop, to great extent, until the time of the Punic Wars. The new gods which came to Rome before Apollo were commensurable with the old, and formed a harmonious group. New gods represented new ideas. But the period from 500 B.C. to 200 B.C. produced a great change, for it was a period of a new kind of gods. The Sibylline books caused an unnatural stimulation of religion. Their effect on religion and society was extraordinary and in three centuries caused the form and content of Roman religion to so change that it lost its vitality and collapsed. These books were in charge of two special guardians (" viri sacris faciundis ") appointed by the Senate for their own administrative purposes. These Oracles

came at a time when the Senate had supreme control. The books were kept secret but the Senate caused them to be consulted in time of peril. The Sibyl commanded worship of various new deities, naturally all of them Greek, for the Oracles were written in Greek. The special outward significance of the coming of the Sibylline Oracles was that it opened the way for many new Greek gods and caused a more rapid growth in religious form and enthusiasm. The internal effect on Roman religion was the change in attitude. The fact that the Senate so closely guarded them indicates that their danger was apparent to the wise men of the State. The Roman gods were a different kind of individuals from the Homeric. The latter were men with individual careers in a divine society, about whom there was little that was mysterious. The Romans knew no oracles before. They studied the entrails of a sacrifice, consulted the gods by watching the flight of birds, or received messages by portents and prodigies. Where they had no definite idea of the form of the gods, imagination began to fill in and strike them with terror, as they received these infallible oracles. The result was an increasing readiness to accept new cults, which characterized Roman religion from that time on, and a breaking down of the old civic religion of Rome. The conflict of religions was most excessive during the last two centuries before Christ.

As time went on, the Sibylline Oracles were consulted more and more frequently. In 292 B.C., on the occasion of a great pestilence, the introduction of the Greek god Aesculapius was directed. Later, in 249 B.C., when Rome was terrified by a series of prodigies the Oracles directed that Pluto and Persephone should be brought to Rome. These latter deities were accepted under the names Dis and Proserpina. Formerly, the Romans had lacked gods of the dead. The mass of spirits of the dead were regularly remembered by sacrificial offerings, etc., but the " Di Manes " were not gods. Like the Greeks, the Romans assigned to the lower world, their kingdom of the dead, Dis and Proserpina, as king and queen, to whom an altar was erected in the Campus Martius. On that occasion, the saecular games were instituted for which Horace wrote his *Carmen Saeculare* in the reign of Augustus. The way was open for the reception of a multitude of gods.

The opening years of the third century B.C. preceded a period of almost uninterrupted warfare with its attendant suffering and hardship. The Samnite war was followed by the war with Pyrrhus and then by the first war with Carthage. War in Cisal-

pine Gaul was followed by the devastating war with Hannibal. The century was a period of the collapse of the civic religion. During this period, many Greek ideas and myths were diffused. From the time of the second Punic war, it is hard to speak of a distinctly Roman cult, for the "pomerium" no longer succeeded in defending Rome against Greek gods. It is noteworthy, however, that the breakdown of resistance against foreign cults happened because of the great number of new cults and the non-political use of them. After the final defeat of Hannibal, he did not choose to leave Italy but intrenched himself in the mountains of Southern Italy. In the year 205 B.C., the Sibylline books were again consulted and declared that Hannibal could be driven from Italy if the Great Mother were brought from Phrygia to Rome. The Romans obeyed and set up the sacred stone representing the Great Mother (mother of all things, even of the gods). Hannibal left Italy the next year but what Roman could suggest that the presence of Scipio with a large army in Africa had caused Hannibal to withdraw from Italy? The coming of the "Magna Mater" marks the beginning of a third phase of Greek religious influence upon Rome. First a few gods came who were pretty much adapted to the old Roman character. But Apollo was followed by the Sibylline books, the influence of which was felt in the introduction of many new gods, and which encouraged the growth of superstition for three hundred years. The acceptance of Greek names and Greek gods had the ultimate effect of producing chaos in the state religion for, especially after the Sibylline influence began, religious enthusiasm became an excess of belief which, with the arrival of the "Magna Mater" and oriental cults from Egypt, Syria, and Persia, became so great that administrative control had to be undertaken.

After the close of the second Punic war, Rome advanced rapidly to the position of a world-wide power. Great extension of territory led to great commercial activity and the growth of private fortunes. Greedy governors controlled provinces and robbed provincials by corrupt government. The middle class became wealthy by farming taxes and by buying up great tracts of land in Italy. The small land owner, left without his land, drifted to the city to get whatever livelihood he could. Discontent spread. Remedies were sought by the Gracchi in socialism and by Marius in militarism. Party struggles followed until Augustus gained control. In this period priesthoods lost their importance as per-

forming religious duties for the state. The oracles became a tool of political expediency. Three political priesthoods were established, Pontiffs, Augurs, and the "Quindecimviri" (the former "II viri sacris faciundis"), all of which were organized for political purposes rather than religious. A revival of civic religion was attempted, under pressure of war, but under the control of degenerate priesthood and oracles. Political priestcraft gained control of the state religion and so destroyed its former strength and functions that, in the chaos of conflicting beliefs that pervaded Roman society in the last two centuries before Christ, and in the midst of so much superstition and scepticism, the religion which grew up with the state and which we shall call the state religion, collapsed, as such. There was room at Rome in the complex structure of its society for a great variety of religious expression. The population of Rome was made up of Italian, Greek, Oriental, Gaul, all races, representing as great a variety of native custom, language, and religious belief. From the time of the coming of the "Magna Mater" religious enthusiasm began to take two particular forms, superstition in the mind of the populace, and philosophy in the minds of the reflective. The state religion was carried on in form by the priesthoods but lost much of its content. The priests had turned it into a mockery and used it as a means of political influence. When philosophy tried to enter Rome, its teachers were at first expelled from Rome. Literature, however, provided the vehicle by which philosophy made safe entrance. Although learned men saw the futility of the existing form of the state religion, they could not furnish by philosophy the adequate reform. Politics had killed the state religion and political power could alone restore it. The sense of duty to the state, "pietas," still clung to the Roman mind and could not be taken away. "Pietas" was religious as well as civic, although it lost some of its vitality and suffered corruption at the hands political priestcraft. Developed very early in Roman society in the family unit, it became of infinite value in forming the Roman state, where conscientiousness and scrupulousness in carrying out civic or religious obligations were so important. The Roman citizen had, by a natural development of his outlook upon the state in all its aspects, a sense of duty consecrated by religion. "Pietas" was a permanent characteristic Roman virtue of which Polybius said that it was the thing which was holding the Roman state together.[5]

[5] Polybius, VI, 56.

Dionysius, a Greek writer, resident at Rome, wrote that one needed to know the "pietas" of the Romans to understand that phenomenal career of conquest.[6] "Pietas" was kept alive in the beginning in the Roman family religious life. The one thing that the state required of a man in his religious life was that he should fulfil his obligations at the tombs of his kin. No religious teaching was held by the state. "Pietas" was the highest virtue. With the expansion of the state, it expanded into a sense of duty to the state and became the outward expression of the quality that made Rome great. The destiny of Rome was accomplished by devotion to principle, by loyalty, self-sacrifice, performance of duty to fellow-men, to State, and God.

*From Patriotism to Universality.*—Finally, as Rome discovered and accepted her world-stewardship of mankind, "pietas" grew into a sense of duty toward all men, and became an enthusiasm and deep devotion to humanity. Religion, as Rome became Imperial, became, like so many other things, a matter calling for imperial notice and administration. The policy of the state was to give new gods, as far as possible, a place in the Roman scheme. Hercules, Castor, Minerva, and others did not offend the native gods, but were made to stand for something in the Roman state. Deities found in cities outside of Rome were brought in and Romanized, as Diana of Aricia, so that Rome might be looked upon as the center of religion as well as of government. But with Rome's phenomenal expansion in territory and population, so many new gods appeared that they were not all assimilated but were worshipped side by side with the old. Local government and local forms of religion were allowed in conquered cities as long as the sovereignty of Rome and her gods was recognized. The arrival of new gods did not affect the Roman conception of the divine. To some, like Lucretius, the policy of tolerance resulted in a great evil, excessive fear of divine powers. Later, there was intolerance of Christianity because it offended the majesty of the gods of Rome. The Christians, believers in a coming deliverer, withdrew from active participation in state affairs and social life in general, and refused to acknowledge and worship the national gods. In this they were guilty of religious treason and were disturbers of the peace. The younger Pliny, when governor of Bithynia, wrote that, when persons were brought to him under the charge of being Christians, he at once put them to death, if they

[6] Dionysius, ii, 27, 3.

acknowledged that they were Christians, although he stated that he found no moral guilt in them. It was feared that the Christians would form a powerful political combination, since they formed a distinctly segregated body of enthusiastic worshippers. But prior to Christianity there was no intolerance in religious matters. There were grave difficulties, moreover, in the Roman policy. The tolerance of so many new gods led to the neglect of national gods, and even to the decline of the old family religion. However, men retained the sense of dependence upon the unseen and deep sense of loyalty to the state. With the growth of the sense of one rule over the world, man began to look more and more inwardly upon his own individual soul. He felt himself a citizen of a world rule, in which every man had an equal standing. A deified cosmopolis, transcending empire and political patriotism, was beginning to overwhelm all particular gods. As the state gods lost much of their significance, as such, man lost his religious focus upon a particular set of gods for a group which had been worshipped as part of a patriotic enterprise, and looked about himself as an individual for objects of worship in other forms, seeking to satisfy his natural religious instinct. The mixed population of Rome and the variety of peoples under her rule, moved by a sense of the importance of the individual soul, expressed their common religious feeling which had lost its focus upon national gods, by a diversty of religious expression, accepting a great variety of foreign deities. The result was religious debauchery, which brought about difficulties that called for administrative attention and solution. The native religious, "pietas," was expressing itself in a way that tended to turn men's eyes from religion as a national function. In this respect the feeling of patriotism and thought about Roman gods as national deities suffered greatly, as the importance of the individual increased and man sought religious forms that satisfied his religious sense as a member of an empire that was felt to be world wide. The interests that the gods sanctified were no longer national but were becoming individual, that is, non-political. The administrative problem was to centralize and unify religious enthusiasm so that it might be turned to positive patriotic account. Various attempts were made to reconcile the sense of a double loyalty, first a loyalty to the state, and second loyalty to one's individual self, as a member of a world polity.

The first two centuries B.C. brought an antidote for the ill.

This antidote was philosophy. The general tenets of Stoicism appealed most strongly to the Romans and became the most widespread. The leaders of Rome and the intellectual class in general took the position that religion was a necessity for the common people, on the grounds of political expediency, but that the existing forms of religion at Rome were futile and that it was impossible to attach any real value to religious forms as such. Religion came to be something that had to be dealt with administratively by the State, that religious enthusiasm might be made a practical means of accomplishing the ends of the State, that is, of keeping the individual's attention fixed upon the State rather than upon himself. The century before Christ was a period of struggle for the control of the political state. It was also a period of the struggle of many religions for control of the religious state. The religious consciousness was not unified by a universal form of worship. To the upper and intellectual class it was clear that the existing forms were inadequate. Nevertheless, attempts were made to keep the state religion alive by the priesthoods. As ritual and calendar became disordered, efforts were made to revitalize the old religion and to harmonize conflicting views, and finally to reconcile the individual consciousness with the patriotic. Such attempts were made by Scaevola, Varro, and Cicero. It had been the long experience of the state that religion was necessary to its progress. It was the duty of every Roman, as a patriotic citizen, to worship the national gods. Quintus Mucius Scaevola set forth a triple truth; a religion of poets, a religion of philosophers, and a religion of statesmen.[7] "It is least in memory that Scaevola, their learned high priest, disputed of three kinds of gods that were taught by authors; one by the poets, one by the philosophers, one by the princes of the city. The first sort, he says, were but fooleries, much of their doctrine being fictitious; the second, disagreeing from a politic state, having much superfluity and divers inconveniences, for the superfluity. . . . To what end is this but that the cities should be filled with statues of such as are no true gods, the true god having neither sex, age nor body. But this, Scaevola would not have the people to know because he did not think it was false himself." Scaevola attempted to establish some sort of unity by supporting the religion of the state. Varro published, about 47 B.C., sixteen books on *Divine Antiquities*. He was not concerned with the mythological conception of the gods nor the re-

[7] Augustine, *The City of God*, IV, 27.

ligion of the philosophers, as such, but with the religion of the state. He commends the state religion in a counter attack against the theories of Lucretius. He insisted on piety as the secret of Roman greatness.

This attitude, with the praise of old-time ceremonial and ritual was effective in forming public opinion towards the state religion as revived by Augustus. His work, dedicated to Julius Caesar, the Pontifex Maximus, showed that the state religion was essential to the welfare of the state, when stripped of evil influences of Greek myths. This was an attempt to remove the essential differences between the ideas of religion held by the intellectual class and by the masses, who were feebly carrying on the worship of the national gods and eagerly following a multitude of foreign cults, destructive of patriotism and their old private worship. Varro attempted to unify beliefs and to remove the undesirable elements of oriental cults, etc. According to his interpretations, a man could be loyal to the state as a good citizen and still hold fast to the truths of Stoicism. The actual state religion was to be looked upon as an embodiment of the doctrines of Stoic philosophy and not as an opponent force. A man's beliefs were thus expressed in two ways, but the difference was only in the manner of presentation.

Cicero tried to restore the consciousness of the divine guidance of the Roman state. He contributed to the attempt to restore the austere civic religion by reminding his fellow Romans of the existence of gods who control the affairs of men. He nevertheless seemed conscious of one pervading ruling power in the universe and it is this that makes him representative of a transition in Roman thought from the ancient civic religion to the universalistic and imperialistic. Cicero and Lucretius, living in the first century before Christ, witnessed the death struggle of the national religion and the great conflict of religions at Rome before attempts were made by Augustus to establish some sort of unity. The views of these two men represent two opposing views. Cicero, although an Academic by profession, had strong leanings toward Stoicism, while Lucretius was an exponent of Epicureanism. Whatever opposing views they held, they seem to have possessed some deep-seated religious sense that was, after all, similar in both. Cicero is certain that the gods exist and that they are the guardians of Rome's destiny. He asserts that loyalty to Rome's gods has brought Rome to a position of world supremacy.[8] "And indeed

[8] Cicero, *De Haruspicum Responsis,* IX, 19.

who is so witless that, when he gazes up into heaven, he fails to see that gods exist, and imagines that chance is responsible for the creation of an intelligence so transcendant that scarce can the highest artistry do justice to the immutable dispositions of the universe? Or who, once convinced that divinity does exist, can fail at the same time to be convinced that it is by power that this great empire has been created, extended and sustained? . . . but in piety, in devotion to religion, and in that special wisdom which consists in the recognition that the world is swayed and directed by divine disposal, we have excelled every race and every nation." It is self-evident that a man who had all his life conscientiously worshipped the gods of his household would be a better member of an organized community. His "pietas" was a permanent posession of the Roman. "Pietas" expressed itself as filial, civic, and religious. Such a man would know how to serve obediently and quietly in the army, and to act with impartiality and justice as a magistrate. Cicero felt that the gods had a very real and direct interest in human affairs.[9] Very like a Roman lawyer he asks what purpose prayer, sacrifice, and worship serve unless the gods do have a concern in human affairs and can do them good.[10] Cicero felt that there was one supreme ruling power in the universe. He had been attracted to Stoic ideals and their doctrine of the World-Soul. This supreme power was great enough to include all the many "numina" that the Romans worshipped in their native religion. The World-Soul must be the Divine Being, God.[11] God whose existence is evident, and whom all should worship, pervades all nature and yet does not crowd out the lesser deities of the Roman state which are really different attributes of the one which is supreme.[12] "God, pervading all nature, can be understood as Ceres on the land, as Neptune on the sea, and so on, and may be and should be worshipped in these forms." In this respect, Cicero views the various forms of religious expression as worship of one universal power. Although there are many religions and religious forms, they all represent a response to the sense that there is one supreme ruling power. Cicero looked upon the state religion as very beneficial and desirable in the state.

[9] Cicero, *De Natura Deorum,* 1, 19, 49.
[10] Cicero, *De Natura Deorum,* 1, 15, 121.
[11] Cicero, *De Natura Deorum,* 2, 13, 36.
[12] Cicero, *De Natura Deorum,* 2, 28, 70–72.

A final step in the religious collapse was disillusionment about all gods. Lucretius, in his *De Rerum Natura,* maintained that the gods and goddesses of the popular religion were only imaginative. He denied the doctrine of providence and future life. Outward display of worship, sacrifices, etc., he considered vain, for the gods had no share or interest in human affairs nor did they create man or the world of things in which he lived.[13] "This terror then, this darkness of the mind, must needs be scattered not by the rays of the sun and the gleaming shafts of day, but by the outer view and the inner law of nature; whose first rule we will begin from this, that nothing is ever begotten of nothing by divine will." Lucretius regarded the religious forms, that his fellowmen were keeping up, as burdens and sources of needless fear. He wanted to free men's minds from the terrors of superstition (which he calls "religio"). To him "religio" consisted of imaginary childish stories by which men were bound in fear by a tyranny of imaginary gods, worshipped by means of extravagant and cruel rites and offerings.[14] "When the life of man lay foul to see and grovelling upon the earth, crushed by the weight of religion, which showed her face from the realms of heaven, lowering upon mortals with dreadful mien, 'twas a man of Greece who dared first to raise his mortal eyes to meet her, and first to stand forth to meet her." Man should not terrify himself without reason, fearing gods who have no concern or power over man's affairs, nor should man fear death or eternal punishment because at death his body and soul perish. Man should learn the laws which govern the universe, live in conformity with them, and live a happy life. For the universe is controlled by an absolute law of nature. This law Lucretius derived from the theory of atoms of Democritus, further developed by Epicurus. All things had their origin in atoms. From the properties assigned to the atoms a universal law of nature was derived. Gods do exist, but apart by themselves, unconcerned with the affairs of men, living in a state of bliss. Since the world was not created by the gods, and since the gods have no control over it or the affairs of men, they are not to be feared. There will be no visitations of their wrath. The idea of a universal law in nature was connected with an idea of power in nature, power which was creative and regulative, a secret omnipotent force pervading the world. This power seems

[13] Lucretius, *De Rerum Natura,* I, 146–150.
[14] Lucretius, *De Rerum Natura,* 62–71.

even endowed, with consciousness, will, and freedom. He calls the power "rerum natura," "summa rerum," etc., the cause of all life, order, and beauty in the universe. The negative step made by Lucretius to emancipate men from superstitious fear, to destroy the excessive religious devotion to countless and widely differing deities, was really a step toward a higher conception of the controlling power in the world. The controlling power to Lucretius was one, not many. It was universal and absolute. It was not influenced by such whims as mortals have. It was unchanging and not clothed with physical attributes. It was eternal, all-powerful, all creative. Sacrifices would not alter its intelligent control of the world nor would prayers cause it to deviate from its mechanical regulation of things. Man's attitude toward this divine power should be to seek to know its laws, not to fear it but to conform with it. Lucretius was ahead of his fellow thinkers. He sought to strip the pagan gods of their human feelings and weaknesses. Lucretius was a powerful witness to the sense of a common dependence upon some *one* supreme power and a desire to live according to its laws or will. But this is a higher expression of "Pietas." In his intense desire to find out the exact nature of the power controlling the universe, *Lucretius was even religious.* Contemplation of this omnipotent power in nature inspires awe, wonder, majesty, praise. *It is even worship.* The very invocation to Venus at the beginning of the first book is a hymn of praise, entirely in the spirit of Roman religious feeling.[15] "Mother of Aeneas's sons, joy of men and gods, Venus the life-giver, who beneath the gliding stars of heaven fillest with life the sea that carries the ships and the land that bears the crops; for thanks to thee every tribe of living things is conceived, and comes forth to look upon the light of the sun." Is this not an unconscious (or conscious?) expression of a real religious spirit, which Lucretius sought to strip of its baser side and practises? In any event, Lucretius expresses a growing consciousness that there is one religion and that the different forms of religion are merely varying expressions of the one characteristically human trait.

*Emperor Worship.—A Sense of One Religion.*—Scaevola

[15] Lucretius, *De Rerum Natura,* I, 1–17.

> "Aeneadum genetrix, hominum divomque voluptas,
> Alma Venus, caeli subter labentia signa
> quae mare navigerum, quae terras frugiferentis
> concelebas, per te quoniam genus omne animantum
> concipitur, visitque exortum lumina solis:" etc.

Varro and Cicero were searching for a reconciliation of the conflicting forms of religious expression, as if moved by a sense that true religion was something universal, belonging to all men, and that it should be stripped of those forms of mythology and oriental worship which kept the universal expression hidden from the eyes of men. It was the recognition of the fact that men felt in common the need of expressing their religious sense that led Augustus to undertake to reëstablish the state religion. He sought with unusual tact and diplomacy to bring every force to bear upon strengthening his own position in the state, to create a consciousness of unity in the state that had been broken up by years of civil war. Men had looked for so long upon their own individual interests that they had turned their eyes from the state. The chords of patriotism needed to be touched anew. To form one universal form of religion would draw all men's eyes back to the state and serve to strengthen the central government. To this end Augustus sought to give religion an imperial content. Rome was presented as of remote and divine origin, a city destined to be eternal. In this program he called upon poets to sing the praises of Rome's past glory and to herald her future destiny. Tibullus hails "Roma Aeterna." Propertius turned to national themes. Vergil reminded men of the bliss of the Golden Age and taught that it was not gone forever but that the paradise of the past was destined to return.[16] "This, this is he, whom thou so oft hearest promised to thee, Augustus Caesar, son of a god, who shall again set up the Golden Age amid the fields Saturn once reigned, and shall spread his empire past Garamant and Indian, to a land that lies beyond the stars, beyond the paths of the year and the sun, where heaven-bearing Atlas turns on his shoulders the sphere, inset with gleaming stars." Vergil and Tibullus sang the praises of country life. Greek mythology was turned to account as Vergil related the legend of Aeneas, a glorification of Rome itself, as a working out of a divine plan for the welfare of mankind. The "pious" Aeneas was the picture of an ideal Roman, loyal from beginning to end. Under him Rome was founded, destined to rise

[16] Vergil, *Aeneid,* VI, 792–798.

> "Hic vir, his est, tibi quem promitti saepius audis,
> Augustus Caesar, Divi genus; auera condet
> Saecula qui rursus Latio: regnata par arva
> Saturno quondam, super et Garamantas et Indos
> proferet imperium (iacet extra sidera tellus,
> extra anni solisque vias, cibi caelifer Atlas
> axem umero torquet stellis ardentibus aptum)."

to glory. Vergil also established the direct line of descent of the Julian house from Aeneas, the son of Venus. Augustus was thus a divinely appointed guardian of the state. Literature of the Augustan period encouraged patriotism. Praise of agriculture roused anew a love of Italy; the legend of Aeneas gave Rome a divine origin and Augustus, as successor of Aeneas, a divinely appointed task. A restoration of the state religion was desirable as an aid in intensifying patriotism and to sanctify the whole enterprise. Augustus capitalized the religious fervor that prevailed in Roman society and turned it to account in a program that resulted in emperor worship. The solution which Augustus sought for the chaos of religions was to find some object toward which every man's religious feeling could be directed, an object of imperial content, which would not only supply an outlet for religious enthusiasm but would also serve to rouse enthusiasm in the imperial enterprise and sanctify Rome itself. Among the first steps taken by Augustus was the restoration of the ancient priesthoods that had fallen into disuse and neglect. War was declared in 32 B.C. by means of the religious order, the Fetiales, representatives of international law. The Arval brothers, who took part in the purification of the land, in the Ambarvalia, were restored to stress the importance of the agricultural side of Roman life. The worship of this order included prayers for the emperor's family. Little by little imperial content was injected into old forms. Old forms were welcomed, as those forms which had formerly sanctified the activities of Rome in glorious bygone days. Membership in the orders of the pontiffs, the augurs, and the guardians of the Sibylline books was limited to men of senatorial rank and was filled by the emperor's own supporters, who used the authority of their station to give sanction to the emperor's projected enterprises of whatever sort. The priesthood of Vesta had been neglected with the rest, but was now restored in full glory and the Vestal Virgins were given great honor and privileges. These are a few of the old forms that were restored.

The religious reforms of Augustus finally resulted in emperor worship. The first step toward emperor worship was the worship of the gods of the emperor's household by other families, in the anxiety to protect the emperor, the guardian or "pater familias" of the state. Later, the gods of the imperial family were worshipped by the state officially. The next step was the establishment of the worship of the dead Julius Caesar. The worship of

each family included the honor paid to dead ancestors, the "Di Manes." Attention was also paid to the "Genius" of the "pater familias." The corresponding steps were taken in the state when honor was paid to the "Genius" of the living emperor. Thus Augustus arranged for the worship by the whole state of the gods of the imperial household, its deified ancestor and the divine double of the living "pater familias" of the state, Augustus, representative of the divine Julian "gens." The last step was the worship not of the "Genius" of the emperor but of the emperor himself, as divine. Augustus forbade the worship of himself at Rome but allowed it in the East and in the coast towns of Italy, where Oriental influence was strong. He then proceeded to connect with his family, Apollo, Vesta, Mars the avenger, and the cult of the god Julius, in order to establish a more firm foundation for his unified control of the state. Apollo was connected with the Julian "gens" in all its mythological history. A temple to Apollo was built on the Palatine, on the private ground of Augustus. The Sibylline books were revised by the emperor and deposited in the temple of Apollo on the Palatine, which was, theoretically, a private temple of the emperor's family. The temple of Apollo soon became a center of Greek cults in Rome, which were transferred from the temple of Juppiter Optimus Maximus, the representative of the old régime. Whereas only Roman citizens could take part in the old celebrations in honor of Juppiter, every free member of the community could join in the celebration in honor of Apollo. The significance of this was to remove the distinction between the city proper and the dependent communities and to establish a citizenship in the state to which all parts of the empire were eligible. The cult of Mars received new significance as the cult of Mars the avenger, "Mars ultor," who was the avenger of those who had killed Julius and also would be the avenger of any who did the emperor harm. Mars also stood for the Julian house. Venus, from whom the Julian family descended, also had a place in the temple of Mars. The cult of "Divus Julius" was established by the appointment of a special priest and festival in his honor. A temple was also erected to Julius. When he became Pontifex Maximus in 12 B.C., Augustus, as guardian of the cult of Vesta, arranged a festival in her honor. Having consecrated a part of his house, rather than reside in the "Regia," the residence of the Pontifex Maximus, he erected on that spot a temple to Vesta, so that the state really worshipped at the emperor's hearth. The

next step was to establish the worship of the "Genius" of the emperor throughout the empire. This was accomplished by having a third image placed between the two "Lares," worshipped at the cross roads and, in the city, at the crossing of streets. The third image represented the "Genius" of Augustus. The Lares were subsequently known as the "Lares Augusti." Thus the worship of the emperor spread throughout the empire going wherever the "Lares" alone were formerly worshipped. The "Genius" of the emperor stood for the guiding spirit of the state. In the popular mind, worship had to be rendered to the "Genius" of Augustus to insure the safety and prosperity of the state.[17] By re-establishing the national religion and giving it imperial content, Augustus did much to revive patriotism. The worship of the emperor provided the one object which all could worship in common. There were still, popularly, many religions, although there was only one as conceived and administered by those in power to control. Emperor worship created a unity of worship throughout the empire, by producing a universal form to which all could conform. Although it remained practically local and diversified, there was generated, nevertheless, the sense of one religion.

The centralization of religious expression in one form, the worship of the emperor (although the masses still preserved many other local forms) reflected upon the conception of religion in the minds of men like Vergil who developed the idea of emperor worship into an ideal patriotism. Prophecying Rome's world dominion and proclaiming her mission to mankind, Vergil sensed the universal trait in men that religion is to be looked upon as a common possession (as the state was). He felt that the world was in reality controlled by one god, not many, and by his expression of this thought emphasized and contributed to the consciousness of a universality of religion that was gaining ground after the institution of emperor-worship, especially in the minds of reflective men.[18] "For God, they say, pervades all things, earth and sea's

[17] J. B. Carter, *The Religious Life of Ancient Rome,* 70, 71. "It is difficult for us to realize the power that emperor worship possessed during the centuries to come. It was in a sense the only universal religion in the Roman empire. . . . And when in B.C. 29 Augustus dedicated the temple of Divus Julius in the Forum, on the spot where Caesar's body had been burned, he was beginning the organization of the one great conservative force which was to hold the empire together."

[18] Vergil, *Georgics,* IV, 221–224.

> "deum namque ire per omnia
> terrasque tractusque maris caelumque profundum;
> hinc pecudes, armenta, viros, genus omne ferarum
> quemque sibi tenuis nascentur arcessere vitas."

expanse and heaven's depth: from Him the flocks and herds, men and beasts of every sort draw each at birth the slender stream of life." A sense of the oneness of mankind grew stronger as citizenship in the Roman state was gradually being extended to men throughout the world. A certain religious idea was attached to Rome itself. The sense of the common lot of all men in a world state of gods and men which Rome comprised, and in which citizenship was open to all, emperor, knight, shepherd, or slave, drew men closer together as before some one omnipotent power in the universe. The outward embodiment of this religious sense attached to Rome was the emperor, the divine guardian of the state.[19]

It is interesting to compare the words of Cicero (who died 43 B.C.),[20] "Hence we must now conceive of this whole universe as one commonwealth of which both gods and men are members," and those of Vergil,[21] "For God, they say, pervades all things, earth and sea's expanse and heaven's depth," with those of St. Paul in his supposed speech on Mars' hill in Athens in A.D. 54,[22] "God that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands; neither is worshipped with men's hands, as though he needed anything, seeing he giveth to all life, and breath, and all things; *And hath made of one blood all nations of men for to dwell on all the face of the earth,* and hath determined the times before appointed, and the bounds of their habitation." Paul spoke in a vein familiar to the Romans. Much later, Marcus Aurelius, emperor 160–180 A.D., regarded the universe as a divine order of things, controlled by an Omnipotent Power, the World-Reason. It was man's duty to live a virtuous life in accordance with the World-Reason, and in the short space given man to live, to live a moral life, as a citizen of the World-State, for the whole is affected by the part. His message was to teach the desirability and duty of men to live virtuous lives, for the good of the world-state and thus for the good of every one in it. A virtuous life was the patriotic duty of every man to the world state.

The conclusion of our consideration of the expansion of Roman

[19] Vergil, *Aeneid,* VIII, 678–681. "Here Augustus Caesar, leading Italians to strife, with peers and people, and the great gods of the Penates, stands on the lofty stern; his joyous brows pour forth a double flame, and on his head dawns his father's star."

[20] Cicero, *De Legibus,* I, vii, 23.

[21] Vergil, *Georgics,* IV, 221.

[22] *The Acts,* XVII, 24–26.

religion seems to be that, from the beginning, in the agricultural family religion, it moved toward universality. In the early family life, everything had its guardian spirit, the man his "Genius," the woman her "Juno," the family its Vesta, Janus, Penates, and "Lares." The state religion was modelled upon the family religion, having, at the start, mostly agricultural content, but, as the state expanded, the old deities of peasant life, Mars, Juppiter, etc., received national and military content, since the process of expansion of the state was war. As the former one-class agricultural society became a many class society in the city-state, new gods were sought, Hercules, Minerva, Mercury, etc., to represent the new diversified interests. The process continued as Rome came in contact with foreign influences and received many new cults, the purpose being, in part, to focus the attention of subject and rival states upon Rome as the seat of religion as well as of government, as was the case when Diana of Aricia came to Rome. New cults also sanctified new interests for which there were no Roman gods, as was the case with Castor, and Hercules, etc. Very rapid expansion led to a similar rapid expansion in religion. The result was an excess of belief, decline of faith, neglect of national gods, arrival of oriental cults, rise of individualism, in short, chaos of religions, so that religion had to be dealt with as part of imperial administration. This imperial step took form in emperor worship, a device to deal with the problem, to effect a unity, to restore attention to the national gods, which were given imperial content, and to revive patriotism. The family idea expanded into the worship of the emperor. The "pietas" of the family religion grew into civic "pietas" and finally *a human regard for all mankind.* Among the cultivated and more reflective, the sense of universality in religion was furthered by the tenets of Greek philosophy, such as Stoicism and Epicureanism; among the masses, the sense of universality in religion took the form of emperor worship. Among all some religious sense was attached to Rome itself as a spiritual ideal. The whole development of the religious sense accompanied the development of the view of Rome as identical with the world, in other words the sense of one universal religion, though expressed by a variety of religions, accompanied the growth of the idea of one state, both the state and its religion moving from something local and particular to something universal and common to all humans. Popularly there were still many religions. Authoritatively there was only one—empire and religion joined hands in

their hold upon mankind. The position of any particular religion was determined by its attitude toward the universal conception. The Christian mission was faced with the task not simply of converting individuals, but also with the task of convincing authority that it (Christianity) had the title to supreme position. Hence persecutions and apologetic. Christianity had to become Roman to succeed.

## IV

## FROM THE LAW OF THE GROUP TO THE LAW OF THE WORLD

We have stated that, in addition to the Roman conception of the world as one universal state in which all men shared a common citizenship, and in addition to the development of the sense of one religion, a third factor contributed to the Roman world-state philosophy. To complete the world-state philosophy, a conception of universal law is a natural complement. A survey of the materials at hand, ancient and modern, leads to the conclusion that law, in the growth of the world state idea, proceeded from much the same beginnings as religion and the physical state, and developed according to much the same lines of growth and in the same direction as religion and the physical state. Finally, law became universal in conception and content; that is, idealized in the minds of learned men like Cicero, as a contributing factor in the world state philosophy, and in the popular mind a sense of one law for all men.

Before opening the discussion of the Roman law in its early development, it is well to remind ourselves that Roman law and Roman civilization in general, in the earliest form we know it, had a character comparatively well advanced. Many primitive practices, such as the use of the war chariot, blood revenge, primitive form of burial, purchase of wives, etc., of which we have a slight notion through tradition, must have been common in the life of the inhabitants of Italy in the first stages of their civilization. But Roman history begins at a comparatively far later stage for us than the Greek or German, and hence the earliest remains of Roman law and civilization seem modern in comparison. Since Greek civilization had reached its height and faded long before Rome reached the zenith of her power, Rome's contact with Greece was that of an infant nation with one that had passed through all the early stages of national growth and had even reached the period of decay.

The word *law* is a broad indefinite term and is in need of definition because of its various possible meanings. If we limit our discussion to Roman law it is an enormously wide subject, mean-

ing the law of Rome and the Roman empire from 753 B.C. to the fall of the empire in the 5th Century A.D. or even to the capture of Constantinople by the Turks in 1453 A.D. It is desirable here, however, to limit our discussion to the movement of law during the period extending from the founding of the city to the establishment of the world empire under Augustus. Our discussion of law here will have to do with law as it was administered and thought about by the Romans. In the popular mind, it stood for that which was written down to declare what the people wish for the sake of common protection and welfare. Law might mean command or prohibition. As such, law applied to organized society.

*The Growth of Law; Customary Law.*—Before the tribes of Italy began to settle down upon the land and organize communities, whatever people looked upon as law, or that to which they had to conform their conduct, was centered in the chieftain of the "gens." The character of this law is exhibited to us best in the life of the "familia," a unit of the "gens." This power continued to exert itself for a long time after the community which we call early Rome began to take on the aspects of a city state, and this power was coëxistent with the regulations laid down by the head of the early state. Law as it existed in the agricultural family was merely the word of the "pater familias," who was a patriarchal chieftain, the oldest living male member of the "gens" represented in the particular family. The word "familia" does not mean merely those related by blood, but the whole household, the group of kin, subordinates of any sort, slaves, etc. "The word pater did not suggest the idea of generation but that of protection and authority. The pater familias was the citizen sui juris, *i.e.,* dependent on himself alone, whatever his age might be and whether he was married or single, for he was the man who in domo dominium habet."[1] The power of the "pater familias," known as the "patria potestas," was exercised in behalf of the best interests of the family, its protection, its material and religious welfare. "The family was also a civil society. Its autonomous monarchic constitution invested the "pater familias," who was the domestic magistrate in virtue of a private right respected and guaranteed by statue, with absolute authority in his own home whither public authority did not penetrate."[2] The word of the

[1] Declareuil, *Rome the Law-Giver,* page 95.
[2] Declareuil, *Rome the Law-Giver,* 94–95.

" pater familias " was absolute law to every member of the " familia," so far as related to life in the " familia." The " pater familias " was supreme in authority over his wife, children, slaves, and all his descendants by the male line whatever their age. The " pater " was the supreme ruler, chief judge, and high priest. " So far as regards the person, the parent, when our information commences has over his children the jus vitae necisque, the power of life and death, and *à fortiori* of uncontrolled corporal chastisement; he can modify their personal condition at pleasure; he can give a wife to his son; he can divorce his children of either sex; he can transfer them to another family by adoption and he can sell them." [3] Whatever acquisitions of property or wealth of any sort were made by those " in potestate " belonged to the father, in the eye of the law. The father might allow his son or slave certain property but it legally did not belong to them. The absolute power which the " pater familias " exercised generated and perpetuated a deep sense of obedience and a respect for authority and discipline which was characteristic of the Romans throughout their career as a people.

However, the absolute power which the " pater familias " held was not a jurisdiction. It was rather an inherent right which he exercised to control his wife, children, and slaves, as part of his property. As the community of agricultural " familiae " began to take on more and more the aspects of a young city, certain regulations had to be made to control affairs which had to do with the members of different " familiae." Traces of early jurisdiction which we have did not pertain to the family or " gens " but to the head of the early state, that is, the " rex," who acted over the community in much the same way as the " pater familias " over the household. The Roman state was modelled on the Roman household. The son, moreover, was no less subject to the father because of the fact that both were subject to the state. In the family, the father was supreme but in the state or political family father and son were equal in subordination to the " rex." " In every relation of life in which the collective community might have occasion to avail itself of his wisdom and strength, for all purposes of counsel or of war, the filius familias, or Son under Power, was as free as his father. It was a maxim of Roman jurisprudence that the Patria Potestas did not extend to the Jus Publicum. Father and son voted together in the city, and fought

[3] Maine, *Ancient Law*, 133.

side by side in the field; indeed the son, as general, might happen to command the father, or as magistrate, decide on his contracts and punish his delinquencies." [4] The authority of the "rex" was supreme. He could make agreements with foreigners for the community; he inflicted penalties for the public offenses. He was the representative of the gods in the community, nominating priests, etc. He was ruler, high priest, and judge, sitting in the seat of highest power in all community affairs.[5] The "rex" was assisted, more or less, by the senate, which was, at first, merely an advisory body. The "rex" was free to accept or reject the advice of the senate, as he saw fit. The "patres," or members of the senate, who were usually distinguished heads of "familiae," were chosen by the king himself from rich prominent "familiae." The senate grew in number until three hundred was fixed as a maximum. The body of people were represented by an assembly, which met to present their demands, to approve the acts of the king, or to register protests. There are supposed to have been three tribes which constituted the population of early Rome, Ramnes, Tities, and Luceres. Each tribe had ten divisions ("curiae") which, taken all together, made up the only popular assembly of the regal period, called the "comitia curiata." Each "curia" had one vote determined by the majority of its members. A majority of the "curiae" settled the vote of the assembly. But neither the early senate nor the early assembly was a law making body.

The Romans like other primitive peoples lived for centuries governed by no rules of civil conduct except those growing out of custom ("mos," "mores," "consuetudo"). "The oldest law in Rome, as among all nations was founded on the common understanding and consent of the people, without any other apparent basis; and this we are accustomed to call Consuetudinary Law." [6] Roman customary law from the founding of the city down to the enactment of the Twelve Tables in 451–450 B.C. is, more or less, a matter of unreliable tradition. Our opinions about it are based largely upon inferences made from later institutions. As dissensions arose, decisions had to be made by the "rex." From time to time verdicts had to be pronounced and sentences imposed. Thus precedents were established which were followed, if found

[4] Maine, *Ancient Law,* 132.

[5] Mommsen, I, 81.

[6] Savigny, *The History of the Roman Law during the Middle Ages,* I, 2.

suitable, in settling later disputes or punishing other offenders. Whatever regulations seemed to produce the desired results for society at large were accepted as authoritative. These practises gradually accumulated and formed a sort of body of customary law, suitable to meet and deal with rather a large number of situations and a wide range of problems of the city life. "Rome owed to custom the essential part of her clan and family organization, her first system of land ownership, her old methods of transfer and guarantee, her primitive procedure, *i.e.*, practically the whole of her system of private relations up to the time of the Twelve Tables. Many of these customs went back to the remote past of the race." [7] The set of regulations or customary laws built up from custom and practise was filled with rigid formalism and symbolism. It is clear that for a long time law was not differentiated from religion. With the expansion of the community, the content of customary law expanded, for new problems arose as contacts with other tribes and states multiplied. Gradually, customary laws seem to have assumed a written form. This came about as the organized state began to assume more complete power and to reserve for itself the right of making law; that is, by public authority to create codes, statutes, etc. There are evidences, though not definite, of written laws before the Twelve Tables were enacted. "The statute, lex, was a written enactment made on the proposal, rogatio, of a magistrate (king, consul, praetor) who had obtained favourable auspices and was authorized by the comitia of the people to publish it under his own name provided that it was ratified by the senate." [8] A collection of laws supposed to have been enacted during the regal period ("leges regiae") was made by Granius Flaccus, which was called the "Jus Papirianum" (perhaps composed by him, as a contribution to tradition, encouraged by the Emperor). These laws would belong to sacred law rather than civil law, for they were mostly ordinances of the Pontifical college. They had to do principally with the common worship of agricultural deities and the deities of the infant city-state, upon whose guidance and favor the state was thought to depend for its existence and safety. Naturally contentions arose with the increased competition for a livelihood and wealth. The laws governing the daily life of the community became gradually divorced from the sacred law, as men met with the problems of living to-

[7] Declareuil, *Rome the Law-Giver*, 17.
[8] Declareuil, *Rome the Law-Giver*, 18.

gether in a many class society, whereas formerly the chief problems were those arising between men and deities. Law became secularized and differentiated.

*Written Law.*—In the early Roman monarchy the senate had exercised considerable influence and the people through the medium of their assembly had the opportunity of at least consenting to new laws. Under the reign of Servius Tullius the constitution had been reformed in such a way as to weaken the power of the people. Tarquin seized the crown by force and gave himself despotic power. He removed many of the senators and refused to consult those that remained. He enacted laws against the wishes of the people and so brought upon the kingly power such hatred and suspicion that he was exiled, and, in 509 B.C., the consulship was established. The consuls, two in number, had each the right of veto over the other, to prevent either from becoming tyrannical, and the tenure of office was limited to one year without the right of immediate succession in office. The consul was chosen not by the senate but by the "comitia centuriata," the assembly of fighting men formed from the tribes which were divided into "curiae" according to their wealth. The "comitia curiata" of regal days was a grouping according to "gentes," and thus an aristocratic assembly. To all effects, the consul was chosen by the same patrician element as the king had been, since only patricians were admitted to the "comitia centuriata," the body which elected the consuls. Only patricians were eligible to the consulship. The consul's duties and powers differed little from the king's, except that religious functions were henceforth delegated to priests, which marks a beginning of the separation of law from religion. The fact that the consuls had to be patricians and be chosen by the body of rich landholders caused consular acts to strongly favor patricians and made the position of the plebeians intolerable. The plebeians were without political rights until 493 B.C. The struggle between patricians and plebeians should be called an oppression of the poor by the wealthy, for many of the plebeian class had, by this time, risen to wealth and exercised the harsh laws against debtors as thoroughly as patricians. After the defeat of the Volsci near Rome in 495 B.C., the senate had not fulfilled the promise to give relief to the plebeians, whereupon the plebeians seceded to the Sacred Mount. They were persuaded to return to Rome but wrested from the patricians the protection of a magistrate. The new official was the "tribunus plebis," so called from the "tribuni

militum" who had been their leaders in secession. Necessity demanded that law develop in content to favor the plebeians, for the patricians had to yield political concessions to gain plebeian support in their military struggles. The struggle between the two orders was to continue for many years, for there was still no definite written law. The law was handed down from memory, generation after generation, and was known to patricians only. Tribunes were invested with personal inviolability and had the power to veto the actions of the senate. The consuls were thus held in check. In 471 B.C., a plebeian assembly was organized by the "plebs," called the "concilium plebis," which elected tribunes but whose enactments were binding upon plebeians only. In 462 B.C., the tribune, C. Terentilius Harsa, proposed that the law should be published so that the plebeians might know what their civil rights were, for they could not be assured of justice under the law from a patrician magistrate. A compromise in 451 B.C. was arranged whereby consuls and tribunes yielded their power to a commission of ten men (the Decemviri) who were to act as chief magistrates for a year and publish a code of laws binding upon the whole community. In the first year (450 B. C.), ten tables were drawn up, but because the plebeians felt they were not protected adequately, they again seceded to the Sacred Mount and exacted at the price of their return further concessions.

The importance of these laws lay in the fact that they were binding upon all, patricians and plebeians alike. "Their value did not consist in any approach to symmetrical classification, or the terseness and clearness of expression, but in their publicity, and in the knowledge which they furnished to everybody, as to what he was to do and what not to do."[9] The laws of the Twelve Tables did not make clear distinctions between religious, civil or moral ordinances. Distinctions of law from morality and of religion from law are characteristic of later stages of progress in civilization. They do indicate, however, a positive desire to make an improvement in the law as it stood. It is with the Twelve Tables that we can really consider the beginnings of written Roman law. The Tables were in essence, the native customary law, arranged in more or less orderly fashion. They were duly ratified by the people in assembly. Their character was purely Roman, if we are to judge from fragments that we have. Though unpolished and awkward, they are simple, direct, and, in their practical bearing,

[9] Maine, *Ancient Law,* 14.

they are characteristic of the early Romans. They stand at the beginning of the Roman literature and, like other ancient codes, were doubtless suggested by the discovery of the art of writing. They form the earliest Roman code and are the foundation upon which the body of Roman law grew.

By the Valerio-Horatian laws of 449 B.C., the tribunate was established on a firmer basis, the right of appeal to the centuriate assembly was granted to men condemned to death by a magistrate, and the enactments of the plebeian tribal assembly were made valid, if approved beforehand by the patrician members of the senate. The plebeian assembly thus became a law-making assembly, of which the tribune was the presiding leader. In 447 B.C., the "comitia tributa" was established, which was organized according to a geographical grouping and was composed of plebeian and patricians alike. In this democratic assembly, the vote of one man counted as much as another's. In 445 B.C., the Canuleian law was passed, by which all legal hindrances to the intermarriage of patricians and plebeians were removed. This helped to unite the plebeians and patricians in a harmonious community. It has been necessary to speak of the "comitia curiata," "comitia centuriata," and the "comitia tributa," assemblies of aristocratic, plutocratic, and socialistic nature respectively and representing three successive steps in Roman society, to show the contribution made to the growth of law by assemblies and the nature of the law contributed. The enactments made by these assemblies were naturally changed in content as the make-up of the assemblies changed, and their decisions were of broader application and nature. The contribution of assemblies was not so great in actual legislation as in effect. In spite of the fact that methods were devised of taking the vote in the "comitia" in such a way as to determine beforehand the result of the vote, these assemblies furnished the organ by which the people could make known their demands. The progress made in the development of the assembly had the effect of amalgamating the two elements of the community. The decision of the old "concilium plebis" was called a "plebis scitum." It was binding at first upon the plebeians alone and constituted a variety of statutes. The Publilian law of 339 B.C. and the Horatian law of 287 B.C. made this "concilium plebis" a real law-making body independent of the senate. The senate itself in the regal period was an advisory body only. But its decrees assumed more and more importance as the state expanded and it

became a legislative body. Eventually the consul became merely the minister of the senate, while the senate became the real source of authority in all matters of state, usurping gradually but completely the power of the assemblies, until the time of the emperors. From the time of Augustus, the decrees of emperors began to take on the face of law.

*Differentiation and Interpretation.*—The body of law began to grow rapidly from the time of the first real written code. The next stage is the period of interpretation and differentiation. The process is by legislation and the edicts of magistrates. But before the edicts of magistrates were published, new interpretations of the Twelve Tables were made without attempting to change the letter of the law. These new interpretations are known as " Responsa Prudentium," " the answers of the learned." They brought into being a new body of law which had great force because of the assumed conformity with the Twelve Tables. These " Responsa " were looked upon as authoritative law and became the foundation for future opinions and new interpretations. The actual need for this expansion and growth of the law was the great number of new problems that presented themselves as the city life became more diversified.

After the expulsion of the kings and the creation of consuls, a special office, the Praetorship, was created in 366 B.C. for the handling of the judicial duties which were so rapidly increasing, with the expansion of the city. These duties could no longer be performed by the two consuls. The praetor was to preside at tribunals and declare the law. He also took the place of the consuls as the highest official, while the consuls were out of the city conducting wars. Because of the great number of people within Roman jurisdiction, who were not Roman citizens, the attempt of the praetor to decide cases arising between " peregrini " and citizens led to the appointment of a second Praetor, called the "praetor peregrinus," who was to decide about legal matters involving " peregrini," while his colleague, the " praetor urbanus," attended to disputes between Roman citizens. The creation of the praetorship led to a real expansion in law itself. For magistrates such as the praetor, whose duties tended to expand during his term of office, had to publish a proclamation, at the expiration of their term of office, on the manner in which he had discharged his duties. These edicts also became precedents for future decisions in similar cases. The edict was added to each year and

thus grew in volume immensely. Because of its great length and its lack of orderly arrangement the growth of it was stopped during the reign of Hadrian, who caused the whole body of the Edictum Perpetuum to be rearranged and systematized under Salvius Julianus. "The edict of that Praetor embraced therefore the whole body of equity jurisprudence, which it probably disposed in new and symmetrical order, and the perpetual edict is therefore often cited in Roman law as the Edict of Julianus."[10] The Responses of the Jurisconsults had added much to the body of law. Q. Mucius Scaevola is supposed to have published the whole body of civil law. However, stature law was scanty until the time of Augustus. The "Responsa Prudentium," the "Senatus Consulta," and the "Edictum Perpetuum" represented, until the time of the emperors, the main basis of the Roman legal system. "In the youth and infancy of a nation, it is a rare thing for the legislature to be called into action for the general reform of private law. The cry of people is not for change of laws, which are usually valued above their real worth, but solely for their pure, complete, and easy administration; and recourse to the legislative body is generally directed to the removal of some great abuse or the decision of some incurable quarrel between classes or dynasties."[11] Bodies of statute laws were passed at Rome by the time of Sulla who caused the "Leges Corneliae" to be enacted. Others were planned, such as those by Julius Caesar, but not until the time of Augustus did statute law increase greatly in volume. "The true period of Roman Statute law does not begin till the establishment of the empire. The enactments of the emperors, clothed at first in the pretence of popular sanction, but afterwards emanating undisguisedly from the imperial prerogative, extend in increasing massiveness from the consolidation of Augustus's power to the publication of the code of Justinian."[12]

*The Administration of Law.*—We have traced the growth of Roman law from its earliest form, when it was merely the "mores maiorum" and largely religious, through various stages of written law, beginning definitely with the Twelve Tables, becoming finally a body of enacted law by the process of edict and legislation. The expansion of the state necessitated differentiation and secularization. A consideration of the way in which law was administered

[10] Maine, *Ancient Law,* 61.
[11] Maine, *Ancient Law,* 40.
[12] Maine, *Ancient Law,* 41.

reveals how the conception of law widened from a law for the group to a law for the world.

The supreme authority of the "rex" led eventually to a very unjust administration of law at the hands of Tarquin, who was done away with. The powers of the new chief executives, the consuls, were in part delegated to additional magistrates, praetors, quaestors, aediles, etc. But the administration of law by the praetor was especially effective in developing law, both in its external and internal growth, that is in the growth of a body of law and in the movement of its content toward something universal. The name given to the law which was particularly native in scope and application was known as the "jus civile." It was the privilege of only Roman citizens. Originally, the "jus civile" was custom but later the name was transferred to the "responsa (interpretatio) prudentium," or, to put it otherwise the term was applied later to both the early customary law and then to the interpretations of customary law. "Jus civile" was thus opposed to "leges" but it came to mean the law itself as well as the comments upon the law. "These ways of regarding the sources of Law were prominent until the time of the Severi, including under the term jus civile all law peculiar to Roman citizens, as opposed to jus gentium and jus naturale."[13] But the early state allowed no confusion of the "jus civile" with the "jus gentium," the law which was adopted for dealing with foreigners. Any Roman could seize a foreigner as his property unless the foreigner were protected by some treaty between his country and Rome. Treaties were made, however, comparatively early, guaranteeing mutual protection of citizens, because, with Rome's increased commercial activity, it became desirable to protect the alien merchant within her gates. "Rome recognized no rights of foreigners except those which she conferred upon them by one-sided treaties or concessions; and the jus gentium only comprised the accepted usage in regard to ambassadors."[14] The "jus civile" was one of the privileges which Roman citizens guarded for themselves. It was impossible, therefore, to the Roman mind, to deal with aliens in any controversy between themselves or between aliens and Roman citizens by using the same legal forms as were used for settling differences between Roman citizens. Furthermore, the cumbersome "jus civile" was not well suited to Greeks, for example

[13] Declareuil, *Rome, the Law-Giver*, 29.
[14] Declareuil, *Rome, the Law-Giver*, 29.

(most of the early merchants were Greeks), who were accustomed to a much freer form of law. It was thus that the praetors found it expedient to use a system arranged by setting down, as applicable to all men, certain practises that were found prevalent in a large number of Italian cities. These general practises seemed so universal that they were thought to be prompted by some common sense of justice among all men. These practises were similar to the already existing law of the merchant Mediterranean peoples, but the praetors left out of the "jus gentium" much of the strictly formalistic element present in the Roman "jus civile" and added strong Roman flavor. As the number of "peregrini" increased and as the importance of the "jus gentium" grew, elements of the "jus gentium" found their way into the "jus civile." In their administration of law, the praetors superseded the civil law year by year, in their interpretations of the law as it stood, making in this way many contributions to the "jus civile" from the "jus gentium," through the medium of their edicts published every year. As the state itself grew and added provinces, it was necessary for governors (proconsuls, propraetors, etc.) to be sent out from Rome to administer justice. Although it was the general practise to allow subject tribes or states to settle local disputes arising between members of the same state, Roman magistrates settled, by application of the "jus gentium," disputes arising between subjects of different states or between provincials and Roman citizens. In time, however, the native Roman population was soon equalled and exceeded by the number of so-called aliens with whom it was necessary to dwell peacefully and to whom it was necessary to administer justice. Thus the "jus gentium" was steadily increasing in importance and the form of the old "jus civile" was comparatively decreasing in importance and usefulness. But the gap between the "jus civile" and the "jus gentium" was gradually closing, since the "jus gentium" was becoming so much more general, with the rapid growth of Rome. The name however remained, as the broader principles of the "jus gentium" gradually displaced the "jus civile" and the "jus civile" in form became more and more the "jus gentium" in content. Diversification of interests and development of economic life, as well as the addition of provinces and the increase in population which was now composed of a variety of men differing in race, custom, and language, led to a breaking down of the old strict legal forms and contributed to the development of the more universal conception

of law as applicable to all men of the world. "The trade between Rome and the remainder of the known world, the operations of the publicans, even, which took the most varied forms, and the ever growing daily needs broke down the old rules of law. . . . The peremptory rules and the solemn prescriptions of the first ages of Rome became less severe and eventually disappeared. . . . Thus the Roman society broke down the too severe restrictions under which it had lived until the Punic wars and provided itself with the more elastic institutions appropriate to the requirements of a more complex life."[15] The "jus gentium" was a Roman product. "This broader, more flexible jus gentium, adapted to certain particular matters, was itself of Roman creation; for even if it was suggested by foreign practice and applied to foreigners, it had been recast in the mould of Roman thought and had no validity except as an institution imposed or tolerated by Rome."[16]

Roman citizenship was granted sparingly until the time of Augustus. In 90 B.C., full citizenship was granted, by the Julian law, to all Italians who had been loyal during the Social War and, in 89 B.C., by the "Lex Plautia Papiria," it was given to all Italians irrespective of loyalty in the Social War. But citizenship was a privilege which was jealously guarded and granted reluctantly, especially in the early state. However, the fact that it was unwise or even dangerous to have in the state a non-citizen element larger than the citizen element was recognized and met by the gradual extension of part citizenship of full citizenship as the subject population increased. "After the conquests the number of Italians in the federation exceeded that of their conquerors. To leave a minority of citizens face to face with an overwhelming majority of non-citizens, deprived in the eyes of the conquerors of all political and civil rights would have been a blunder that might have proved fatal. The Roman Government had the wisdom to see this, and to take the necessary steps to eliminate the danger."[17] The very reluctance with which citizenship was granted had the effect of causing the "jus civile" to expand into a more liberal form, losing much of its usefulness in its early narrow forms, since the great number of non-citizens were deprived of the use of the "jus civile." Comparatively the "jus gentium" became more important, that is the content of the "jus

[15] Paul-Louis, *Ancient Rome at Work*, 120–121.
[16] Declareuil, *Rome the Law-Giver*, 29.
[17] Léon Homo, *Primitive Italy*, 241.

gentium" was more useful than that of the old "jus civile." Had citizenship been more lavishly bestowed, the "jus civile" in its earlier forms would have been applied to more men and perhaps this would have hindered the assimilation of the more universal and general principles of the "jus gentium." More general use of the "jus gentium" among a greater number of non-citizen subjects led to the recognition of its more applicable character as applied to a great variety of men. Elements of the "jus gentium" finding their way into the "jus civile" and changing its character caused the conception of law to widen towards a more universal idea of law to be applied to the masses, who in 90 B.C. and especially at later dates granted citizenship *en bloc* and thus assured the protection of the national Roman law. The conception of law as something for a group was thus developing in content toward something for the world, because of the wide use of the "jus gentium" before citizenship was granted to towns outside Italy, and finally to all subjects all over the world.

Subject cities and states were practically autonomous but the fact that they were after all subject to Rome as final arbiter, gave them the consciousness that there was one supreme law controlling all the civilized nations. Roman magistrates were the final judges in subject states. Rome was the source of the highest law controlling the world. Roman law kept subject states from warring with each other and prevented internal strife. Although provinces were allowed to settle local matters, they recognized the sovereignty of Rome. Thus among citizens and non-citizens in far away provinces the idea grew that there was one law for the world. The local regulations of communities were minor variations of the one supreme law of Rome. Rome sent out the proconsuls, praetors, and all magistrates to provinces. The consuls were chosen at Rome. Rome was the seat of high authority, the source of law for the world. The benefits of Roman law and government were obvious to provincials for by it they were guaranteed an orderly government, property rights were assured, and all the blessings of a definite administration of justice were guaranteed. Subjects, who had been before oppressed by the evils of unsettled society within and by destructive wars without, sought refuge in the protection of Roman law and government. "Italian unity under the leadership of Rome therefore represented a guarantee of order and stability, an insurance against invasion from without or revolution within. It is not, therefore, surprising that once

she had experienced its benefits, the peninsula resolutely refused to abandon that unity to go back to a revival of her immemorial local jealousies." [18]

The administration of law by the early king was very strict, similar to the "patria potestas of the family, but the progress of society demanded written law. Finding the administration of law by the king intolerable, narrow, and prejudicial, the people established consuls, who should hold each other in check by veto power. The law as administered by consuls was at first unfair because it was known to few, the prominent rich, and was not binding equally upon all. Hence written law came into being. The Twelve Tables were an advance in the way of improvement and paved the way for great growth in the idea of law. Interpretations had to be made of the laws of the Twelve Tables in order to provide for a wider range of social questions. Assimilation of diverse populations made general interpretations imperative. The praetor's edicts introduced more and more elements applicable to all men, which were gradually taken into the "jus civile." The progress of the popular assembly from the aristocratic "comitia curiata" into a socialistic "comitia tributa" in which a man's individual vote counted and which could make binding regulations upon all is part of the story of the gradual recognition of all men's equal rights, or the right of protection by a common law binding upon all men equally. The extension of Roman rule over the world and the organization of Roman law throughout the provinces supplied one uniform law for the world, by which all men were bound together. The identification of the "jus gentium" with the "jus civile" and the extension of Roman citizenship over the world brought to all men the recognition of the fact that there is one law for all men. Legal thinking grew into a conception of universal law.

*Idealization of Law.*—As early as the time of Cicero, the Romans had begun to idealize law and to hold before them the conception of some ideal natural law to which all laws ought to conform. This attitude toward law was a product of Roman thinking and characteristic of the Roman mind. It is in keeping with their idea of a world state and the development of the sense of one religion.

The belief prevailed among Roman lawyers that the old "jus gentium," principles which they had observed were common to all nations, was the lost law of nature, a perfect form of law by

[18] Léon Homo, *Primitive Italy*, 240.

which man in his primitive ideal state had been governed. Cicero says in *De Legibus* I, vi, 19, "Well then, the most learned men have determined to begin with Law, and it would seem that they are right, if, according to their definition, Law is the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is Law. And so they believe that law is intelligence, whose natural function it is to command right conduct and forbid wrong doing. They think that this quality had derived its name in Greek from the idea of granting (*νέμω*) to every man his own, and in our language I believe it has been named from the idea of choosing (lego). For as they have attributed the idea of fairness to the word law, so we have given it that of selection, though both ideas properly belong to Law. . . . But since our whole discussion has to do with the reasoning with the populace, it will sometimes be necessary to speak in the popular manner, and give the name of law to that which in written form decrees whatever it wishes, either by command or prohibition." Our usual definition of law would probably come nearer to being Cicero's definition of law to the popular mind. According to Cicero, law to the cultivated man referred to what one knew, from the exercise of his reason, to be that which he ought to do or ought to refrain from doing for the good of society, while in the popular mind, law had reference to what one had to do or could not do, for fear of punishment by society. Cicero was speaking of what we might today call moral law and civil law. Moral law or reason dictates to many men what they should do in their dealings among men, and what, according to their sense of right and wrong they should not do, for the sake of the welfare of his fellow beings. "For reason did exist, derived from the Nature of the universe, urging men to right conduct and diverting them from wrong-doing, and this reason did not first become Law when it was first written down, but when it first came into existence; and it came into existence simultaneously with the divine mind."[19] The theoretical law of all nations fitted in well with the actual application of the term in the Roman world-state because, in the world-state, law was administered to all men by the Roman government. But the conception of what law really meant was raised to the idealization of law as World-Reason, which controls the universe. "Law is the highest reason, implanted in

[19] Cicero, *De Legibus,* II, iv, 10.

Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind is Law." [20] Since man is a creature endowed by nature with reason, he also has the gift of law. Law is "natural" to man. All men share a world reason as a divine gift and consequently are moved by nature to seek an actual application of that universal form of law. "Therefore, since there is nothing better than reason, and since it exists both in man and God, the first common possession of man and God is reason." [21] A World-Reason orders the universe. Since law is reason and since reason is one, law is also one. Reason is the universal sanction of law, which is ultimately divine, the gift of providence. Wise men will live according to the Law of Nature, World-Reason, and will frame the laws of their state in accordance with it. Justice for all humanity is based on reason and is universal, originating in man's natural inclination to love his fellow-men. "For Justice is one; it binds all human society, and is based on one Law, which is right reason applied to command and prohibition. Whoever knows not this law, whether it has been recorded in writing anywhere or not, is without justice. . . . For these virtues originate in our natural inclination to love fellow men and this is the foundation of Justice." [22] When the conception of Nature and her law became common in the Roman mind, the theory of a law of Nature was theoretically applied to the Roman administration of the "Jus Gentium," which was looked upon as a model (though not fully developed) to which all law ought to conform. "After Nature had become a household word in the mouths of the Romans, the belief that the old Jus Gentium was in fact the lost code of Nature, and that the Praetor in framing an Edictal jurisprudence on the principles of the Jus Gentium was gradually restoring a type from which law had only departed to deteriorate. The inference from this belief was immediate that it was the Praetor's duty to supersede the Civil Law as much as possible by the Edict, to revive as far as might be the institutions by which Nature had governed man in the primitive state." [23] Underneath the physical world lay some primordial element or law which controlled Nature. The manifestation of this principle was Nature itself. With the

[20] Cicero, *De Legibus,* I, vi, 19.
[21] Cicero, *De Legibus,* I, vii, 33.
[22] Cicero, *De Legibus,* I, xv, 42–43.
[23] Maine, *Ancient Law,* 54.

Law of Nature Romans like Cicero connected not merely the physical universe but the thoughts and intellectual aspirations of men. Nature implied a moral as well as a physical world. All the phenomena of human society, moral and physical, could be interpreted in terms of some general underlying law. In his primitive state, man had lived in the perfect enjoyment of the Law of Nature. To live according to Nature became the ideal to which men should strive to conform their lives. The physical world had by chance fallen away from its primitive state of perfect order to its present disordered state. The race of men made for themselves a great variety of laws, necessary to control their disorderly ways and indulgences. But reflective men had not lost sight of the universal Law of Nature and it is to this principle that Cicero urges men to turn their attention, for all men share in common the sense of law, or highest reason implanted in Nature, and a common sense of justice which is prompted by a love of fellow creatures. "But on the whole, the progress of the Romans in legal improvement was astonishingly rapid as soon as stimulus was applied to it by the theory of Natural Law. The ideas of simplification and generalization had always been associated with the conception of Nature; simplicity, symmetry, and intelligibility came therefore to be regarded as the characteristics of a good legal system, and the taste for involved language, multiplied ceremonials, and useless difficulties disappeared altogether." [24] First, the principles of the Law common to all nations were gradually incorporated with the Roman law, and then the universal law of nations was associated with the Law of Nature, which was the ultimate eternal principle of the universe. "Well, then, I find that it has been the opinion of the wisest men that Law is not a product of human thought, nor is it any enactment of peoples, but something eternal which rules the whole universe by its wisdom in command and prohibition. Thus they have been accustomed to say that Law is the primal and ultimate mind of God, whose reason directs all things either by compulsion or restraint." [25] Vergil regarded Rome as charged with the administration of one universal law for all mankind. Rome was the giver of law to the nations.

> "But thou, O Roman, learn with sovereign sway,
> To rule the nations. Thy great art shall be

[24] Maine, *Ancient Law,* 54–55.
[25] Cicero, *De Legibus,* II, iv, 8.

To keep the world in lasting peace, to spare
The humbled foe, and crush to earth the proud." [26]

Vergil conceived the task and obligation of Rome as the giver of law to the nations of the world. He thus converted practise into a destiny. Cicero converted both practise and destiny into a philosophy of law. The world, which was subject to one rule and one religion, was also subject to one law. Humanity, as such, was under the Law of Nature.

[26] Vergil, *Aeneid,* VI, 851–853.

## CONCLUDING NOTE

In the preceding chapters, I have attempted to develop the thesis laid down in the Introduction, namely, that to whatever foreign influence Roman intellectual life was subject, the distinctive philosophical achievement of reflective Romans was a world conception of a community of gods and men based on a progressive idealization of the empire as it grew from the original settlement to a world power. It is this conception which I regard as historically important in the subsequent development of philosophy in western Europe. The contributions which Roman thinkers may have made to logic, physics, psychology, and metaphysics seem to me to be of relatively small importance compared with this vision of the cosmos as itself an *imperium*.

I think it can be held that this conception of a world system, which was essentially political, moral, legal, and religious rather than what might be called scientific—a philosophy built up almost exclusively in terms of human interests as distinct from a philosophy of nature—defined the general framework in which philosophy developed for centuries. I think it could be shown, for example, that this Roman conception was more influential than Christianity in founding the ideas of universal brotherhood and universal history and tying up these ideas with that of the cosmos as a theological system. Christianity, for example, as a religion claimed a universal sway over all men as individuals, but in converting Rome, it was itself converted into something imperial, into a philosophy of history and a system of the world. The conversion of Rome to Christianity was in an important sense the conversion of Christianity to Rome, since Christianity became largely Romanized in its philosophy, fitting its own claim to universality into the much larger universality of Rome, and the spread of Christianity throughout Europe was essentially determined by its conversion to Rome. The Christian apologetics were written in the face of the task not simply of converting individuals but of convincing authority that it (Christianity) had the title to supreme position. As Christianity succeeded in convincing authority that it was the true universal religion, Christianity was thus cast in a Roman mould and the Roman world state philosophy

by becoming the vehicle of Christianity was identified with it, while Christianity by becoming Romanized was transformed from the heavenly to the mundane. I have carried my study down to Augustus, but it could be carried further through the Roman Stoics, men like Marcus Aurelius and Seneca, developing humanitarianism as such and cosmopolitanism, and on to St. Augustine's " City of God."

This illustration affords an indication of a further development of the thesis. I might add that when the empire broke up and there arose that passage from unity to multiplicity of which Henry Adams speaks, the new philosophies that arose had to face the question of legitimacy when compared with what Rome had established. Here is afforded an indication of further possible development. The Roman world philosophy was a form to be assimilated and expounded for the world. It was bequeathed as an intellectual inheritance to subsequent centuries. With the break-up of the Roman world and the rise of new states whose existence had to be justified, philosophies came into being which were developed out of current experience. As these later philosophies developed, there grew up a conflict between what was inherited and what was new. Ancient and modern learning were contrasted as *ancient* and *modern,* rather than in terms of contributions they might make to intellectual development. Rome as a system offered both resistance and guidance.

In summary, I think it can be shown that what I have here set forth as the distinctive philosophical achievement of the Romans was, among other factors, the crucial factor which turned philosophy from a philosophy of man and the cosmos in the Greek sense to a philosophy of a political, moral, legal, and religious world order. Humanity was no part of the Greek traditional morality. In his chapter on *The Tribal Nature of Greek Morality,* F. R. Earp says, " The Greek acknowledged duties to those who were bound to him by special ties, but in regard to the rest of mankind, to man as man, he was under no obligation except such as were imposed by the feeling of *αἰδώς* ' decency ' we may provisionally translate it. Though the number of acknowledged ties gradually increased and the restraint of *αἰδώς* grew more effective, even the Greeks of the fifth century had not quite outgrown the stage in which men not bound by any tie are naturally hostile and ' homo homini lupus ' still holds good." [1] But, as has been said, the Ro-

[1] Earp, F. R., *The Way of the Greeks,* 30.

man conception was a philosophy built up almost entirely in terms of human interests as distinct from a philosophy of nature. Much of modern philosophy can, I think, be understood in terms of attempts to free reflection from the control of what this shift in philosophical outlook involved.

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## VITA

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